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DEPARTMENT OF THE ARMY HEADQUARTERS 4TH INFANTRY DIVISION (MECHANIZED) OFFICE OF THE STAFF JUDGE ADVOCATE TIKRIT, IRAQ

REPLY TO

07 September 2003

MEMORANDUM FOR Commander, 4th Infantry Division (Mechanized), FOB Ironhorse, Tikrit, Iraq

SUBJECT: AR 15-6 Investigation - Legal Review

1. In accordance with AR 15-6, paragraph 2-3, I have reviewed the AR 15-6 investigation into the 13 August 03 death of a detainee at Camp Warhorse. I make the following determinations:

a. The proceedings comply with the legal requirements.

b. Errors in the proceedings, if any, do not have a material adverse effect on any individual's substantial rights.

c. Sufficient evidence supports the findings.

d. The recommendations are consistent with the findings

2. The investigation is legally sufficient.

3. The point of contact is the undersigned at (DNVT) 53

CPT, JA Administrative Law Attorney

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ACLU-RDI 969 p.1

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INDEX OF ENCLOSURES AND EXHIBITS

ENCLOSURES:

I - Appointment Orders
II - Rights Warning Certificate III - Rights Warning Certificate IV - Rights Warning Certificate V, - Rights Warning Certificate VI - Rights Warning Certificate VII - Rights Warning Certificate VIII - Rights Warning Certificate IX - Rights Warning Certificate X - Rights Warning Certificate -

EXHIBITS:

A. Coalition Authority Forces Apprehension Form

- B. Sworn Statement,
- C. Sworn Statement,
- D. Sworn Statement,
- E. Sworn Statement,
- F. Sworn Statement,
- G. Sworn Statement,
- H. Sworn Statement,
- I. Sworn Statement,
- J. Sworn Statement,
- K. Sworn Statement,
- L. Chronological Record of Medical Care.

, dated 14 Aug 03 dated 15 Aug 03 dated 15 Aug 03 dated 16 Aug 03

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DEPARTMENT OF THE ARMY C CO, 64 FORWARD SUPPORT BATALLION BRIGADE COMBAT TEAM, 4 INFANTRY DIVISION (M) BALAD, IRAQ APO-AE 09323

AECZ-FC-C*

24 August 2003

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DOD 002668

MEMORANDUM FOR Commander, Task Force Ironhorse, ATTN: Chief of Staff, Headquarters, Task Force Ironhorse, Tikrit, Iraq

SUBJECT: Findings and Recommendations of Informal Investigation of death of Iraqi

1. FINDINGS

a. On 13 August 2003, Iraqi detainee | as declared dead due to cardiopulmonary arrest by and medical conditions that led to the cardiopulmonary arrest are unknown as no autopsy-36-2/7C-2

b. Detainee

Was a 56-year-old male that was apprehended on 3 August 2003. He was brought to the detaince center at Camp Warhorse on the same day and Coalition Provisional Authority Forces Apprehension Form was completed. The ath MP Co and E Co 204th FSB report that each new detainee undergoes a medical screening within 24 hours of arriving at the camp which includes listing chronic medications, a brief physical examination, and treating any significant injuries/ailments. The medical information is placed in the detaince's file. "Sick call" is provided daily by E Co 204 FSB and all detainces have access to this service "Sick call" encounters were not documented until 11 August 2003 when 003 when the required written documentation to had no documentation of a medical screening or "sick be performed. Detainee call" encounters in his file. 56-2/-7C 2

reports that detainee complained of being hot on the evening of 12 August 2003 and was in our of him by approximate the detained was given water to drink and water was poured on him by approximate the detained was heard nothing more from him evening of 12 August 2003 and was let out of his cell to cool down. The detaince was placed back into his cell due to mortar fire and that evening.

d. On the 13th of August, detained was lying on the concrete outside of his cell. She asked the MPs what was wrong and they informed her that the detainee had been feeling ill from the night prior. teports that the detaince told him that he had stomach problems and couldn't eat meat and wanted milk. She informed the MPs that she wanted to see him after evaluating the new detainces. reports that

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ACLU-RDI 969 p.3

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SUBJECT: Findings and Recommendations of Informal Investigation of death of Iraqi

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664/6704 the detainee was able to walk without assistance and through another detainee that spoke English; she was able to determine that detainee complained of his nose hurting. She obtained vital signs and examined his nose and found nothing to be abnormal. She instructed the MPs to send him to E Co 204 FSB if he worsened. instructed the MPs to give the detainee extra water and two dairy shakes in the morning and evening. She reports that she documented her encounter and the MPs assisting her confirm she wrote a medical note but the note was not found during this investigation.

e. At approximately 1600 the same day, detaince complained of being hot per was let out of cell as he complained of chest pain. The detainee was placed in the shade and given water. Within vas vomiting summoned but was not in the area. E Co-204 FSB was called and MP medic) was the detainee camp. Saw the detainee and decided to go to the aid station to came to ask the medical officers for further guidance. He arrived and was informed to give intravenous fluids and phenergan. Once he returned to the detainee camp, the detainee was noted to be unconscious without respirations or pulse. the detainee had no pulse and went to the aid station to get help. The that that CPR once the detainee had CPR once the defaince became unresponsive. CPR was continued until the detainee was had initiated transported to E Co 204 FSB.

was the medical officer in charge of running the code. Upon presentation, detained was unresponsive without spontaneous respirations of a pulse. CPR was resumed, IV access was obtained, and the detaince was intubated. Cardiac monitoring revealed ventricular tachycardia without a pulse. The detainee received defibrillation of 200-300-360 joules, followed by epinephrine and lidocathe and repeat defibrillation of 360 joules. No change in cardiac conversion was noted. Blood work revealed a glucose of 293, BUN 22, Sodium 140, potassium 3.8, hematocrit 29, pH 7.152, bicarbonate 9, and base excess of -20. An axial temperature was noted to be 104.0 F. On obtaining a rectal temperature, bowel function was noted to be lost. CPR declared the time of death at 1719. Medical care was appropriate and met the standard.

g. The conditions of the detainee camp are adequate. The detainees are given 5-6 bottles of water a day and can have more if they ask for it. All of the detainees have a rug or mat to sit or lie on. They are released from their cells to use the restroom and to walk in the courtyard at scheduled times but can also leave their cell if they request. The camp consists of two large cells that are designed to hold 30-35 adults each. There are two smaller cells that are used to separate detainees with tribal conflict or those that hold titles or power within the country. The MPs report that there are usually more detainees than they have room for so overcrowding has been an issue. The facility is clean without evidence of garbage or trash. There is no air conditioning or fans that circulate air. The cells are warm and the air is stagnant within them. Detainces are

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AFZC-FC-C

SUBJECT: Findings and Recommendations of Informal Investigation of death of Iraqi

given three MREs a day but the MPs report that most of the detainees don't eat them as they complain of the smell and taste.

h. An interpreter from the MI BN is available on occasion but most of the time the MPs and medical personnel rely on other detainees to help with the language barrier. The MI interpreter claims that he had talked with detainee to the past but not during this incident and has no knowledge of any medical history on the detainee.

i. The medical officers of E Co 204 FSB and the 1982 FST. Physicians, physician's assistants, nurse anesthetists, and registered nurses perform the medical evaluations and sick call duties at the detainee camp. Physicians and physician's assistants have credentials to provide this type of medical care, however, nurse anesthetists and registered nurses due not have the same practicing privileges. Individual's credential packets were not available for review.

2. RECOMMENDATIONS

a. All medical information and encounters should be documented. A paper trail becomes significant and is standard of care throughout the world. Documentation provides better care and protects those providing the care. Recommend that the initial medical screening and all medical encounters and interventions be documented and placed in the detainee's file.

b. Ensure all providers providing medical care have the appropriate credentials and skills. Many nurses have learned through their experiences how to care for individuals but they do not have the authority to examine, diagnose, and treat medical conditions. With that said, they may not have the knowledge base to recognize a problem that needs further attention. Recommend that nurses and nurse anesthetists provide care within the scope of their credentials. If nurses continue to provide care, recommend that the supervising physician provide a guideline for them to follow and list the conditions/procedures that they can perform autonomously and those conditions that need to be referred to a physician or physician assistant. Also recommend that all documentation be reviewed and signed by a physician with the appropriate credentials.

c. Interpreters are a must. It is apparent that many individuals had differing opinions as to what detainee # was complaining of and the designated interpreter was not involved in any aspect of this case. Without the use of an interpreter and relying on another detainee to bridge the language gap, it becomes a guessing game as to what an individual is saying. If detainee was a chest pain the night prior to his death, no one was aware of it and that may be due to the language barrier. If this was known, his death may have been prevented. Recommend that an interpreter be readily available in all detainee camps, especially for the initial medical interview and during sick call.

AFZC-FC-C

SUBJECT: Findings and Recommendations of Informal Investigation of death of Iraqi detained b6-4 b7c-4

d. Autopsy. To give a definitive cause of death, an autopsy is required. Without an autopsy I can not comment on whether or not detained the death was related to his living conditions, heat, medical care (or lack of), or underlying ailments.

Recommend that future deaths of Iraqi detainees undergo autopsy so more can be learned about the causative factors and can possibly help with future operations and care.

37 The POC is the undersigned (DNVT 534-

(L)(6)-2 (L)(6)-2 MAJ, MC BN Surgeon, 64 FSB

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Appointed by			$(b)(b)^{-2}$		
		(Ap	opointing authority)		
	*				
on 15 August 2003					
(Date)-	(Attach inclosure 1: Letter	r of appointment or su	mmary of oral appointn	ent data.) (See para 3-	15. AR 15-6 i
		SECTION II -	SESSIONS		
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			nce)	at	1000 hours
on <u>16 August 2003</u>	(If a formal board met for			:	(Time)
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	and explicitly, e.g., 1 resident, Re	Recorder, Member, Leg	gal Advisor.)		,
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DOD 002672

 2 Exhibits (para 3-16, AR 15-6) a. Are all items of iered (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 and attached in the second secon	
buildered as evidence individually numbered or lettered as	YES
 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 for the first exhibit? 	
 c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as d. Are copies, descriptions, of depictions. (if substitute of the form and attached as 	
 d. Are copies, descriptions, deductions (if substituted for real or documentary evidence) properly authenticated as the location of the original evidence indicated? e. Are descriptions or diagrams included of locations view bit 	
e. Are descriptions and is indicated?	$ \times $
 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 methods. AR 15-6)? 	
 f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an g. If official points of the maximum ecord? 	
of which afficial notice was taken attached as an exhibit (para 3-16d, AR 15-6)?	
i source when the board on a	
B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)?	
and additional session, did the records	
 5 Was a quorum present at every session of the board (para 5-2b, AR 15-6)? 6 Was each absence of any member present at every session of the board (para 5-2b, AR 15-6)? 	
 6 Was each absence of any member properly excused (para 5-2b, AR 15-6)? 7 Were members, witnesses reported to be and the board (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 recommendation 	
o If any members who voted on findings or recommendations unre-	
 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 DECION. 	
C. COMPLETE ONLY IF RESPONDENT WAS DEPENDENT WAS DEPENDENT.	
9 Notice to respondents (para 5.5 d) is a way DESIGNATED (Section II Chapter 5. d) is a	_
as its the inculou and date of dation	
b. Was the date of delivery at least five working 1	
C. Does each letter of notification indicate	
(1) the date, hour, and place of the form	
 (1) the date, hour, and place of the first session of the board concerning that respondent? (2) the matter to be investigated, including specific allocations. 	
 (2) the matter to be investigated, including specific allegations against the respondent? (3) the respondent's rights with regard to counsel? 	
(4) the name and address of the integral 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 or present of the recorder? 	
 (5) the respondent's rights to be present, present evidence, and call witnesses? d. Was the respondent provided a copy of all wells if an 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 	
 e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them? 0 If any respondent was designated after the proceedings began (or otherwise was absent during part of the 	
 0 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	
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 even 10	
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)	
0. Was respondent's counsel pro-	
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)?	9
action taken on it included in the report (para 5-6b, AR 15-6)?	<u> </u>
if the respondent challenged the legal advise	
If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6): b Did each member successful	
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Was the respondent given an opportunity to (para 5-8a, AR 15-6).	
a. Be present with his course of the time of the second seco	
 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 written and the second s	
b. Examine and object to the introduction of real and documentary evidence, including written statements?	
Object to the testimony of witnesses and cross-examine witnesses other than his own? Call witnesses and otherwise introduce avidesce?	
Call witnesses and cross-examine witnesses other than his own? Testifue a public devidence?	
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Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?	
requested, did the recorder assist the respondent in obtaining avidance is	
f requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in tranging for the presence of witnesses (para 5-8b, AR 15-6)?	
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The all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an NOTES: 11. AR 15-6)?	
COTES. If Explain all months	
2) Use of the NiA column constitutes a positive representation that the circumstances described in the question did not occur in this investigation of 4 pages, DA Form 1574, Mar 83	
of 4 pages, DA Form 1574, Mar 83	



DOD 002674

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VI. SECTION VI - AUTHENTICATION (para 3-17, AR 15-6) below, indicate the reason in the space where his signature should appear.) 1 1 SEE ATTRCHED FENDINGS + KELOMMENDATE (Recorder) MEMOLANDUM Investigating Officer) (President) 2 (Member) (Member) (Member) (Member) SECTION VII - MINORITY REPORT (para 3-13, AR 15-6) To the extent indicated in Inclosure (In the inclosure, identify by number each finding and/or recommendation in which the dissenting member (s) do(es) not concur. State the , the undersigned do(es) not concur in the findings and recommendations of the board. reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.) (Member) (Member) SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6) The findings and recommendations of the (investigating officer) (board) are (approved) (disapproved) (approved with following exceptions/ substitutions). (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.) RECEIVED RAYMOND T. ODIERNO us service Major General, USA Commanding 6291 Page 4 of 4 pages, DA Form 1574, Mar 83

USAPA VI.20

DEPARTMENT OF THE ARMY 3d BRIGADE COMBAT TEAM 4th INFANTRY DIVISION (MECHANIZED) BALAD, IRAQ APO AE 09323-2612

AFCZ-FC-JA

5 September 2003

MEMORANDUM FOR RECORD

SUBJECT: AR 15-6 Investigation - Detainee Death at 2d BCT Detainment Facility.

1. This is to clarify the missing signature of the Investigating Officer,

findings and recommendations on 24 Aug 03. Her investigation was complete except for the DA Form 1574. The second preceived a Red Cross Message and left the area before the DA Form 1574 could be completed. The 3d BCT Legal Cell filled in the enclosed DA Form 1574 using the investigation. The second preceived a recommendations memorandum.

2. POC is the undersigned at 534-

ŚSG, USA NCOIC, 3d BCT Legal Cell

6292



DEPARTMENT OF THE ARMY HEADQUARTERS TASK FORCE IRONHORSE TIKRIT, IRAQ

AFYB-CG

MEMORANDUM, FOR:

15 August 2003

C Company, 64th FSB

SUBJECT: Appointment as a 15-6 Investigating Officer

1. You are hereby appointed an investigating officer pursuant to AR 15-6 and AR 210-7, paragraph 4-3, to conduct an informal investigation into the shooting death of a detainee on 13 July 2003. Additionally, you are to identify any systemic problems that the command can address and correct, if necessary.

2. You will use informal procedures under AR 15-6, Chapter 4. You will make specific findings and recommendations on all relevant issues you identify in the course of your investigation. If, during your investigation, you suspect that persons you intend to interview may have violated any provision of the Uniform Code of Military Justice (UCMJ) or any other criminal law, you must advise them of their rights under the UCMJ, Article 31, or the Fifth Amendment, as appropriate. Rights warnings and waivers will be documented on DA Form 3881. Provide each witness a Privacy Act statement before you solicit any personal information. All witness statements will be sworn and recorded on DA Form 2823.

3. Before proceeding with the investigation, contact the second s

4. Your report, together with all evidence marked as exhibits, will be submitted to me in memorandum format no later than ten days from the date you receive this memorandum. Submit any requests for delay to me either orally or in writing. You will obtain a written legal review prior to submitting the completed investigation.

FOR THE COMMANDER:

7COL, GS Chief of Staff 66

· · · · ·	For use of this form, see AR 190-3	0; the proponent agency is O		LOSURE I
· · · · · · · · · · · · · · · · · · ·	DATA REQUIRED B	Y THE PRIVACY ACT		
AUTHORITY: Title 16. Ur	ited States Code, Section 3012(g	,		
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	PART I - RIGHTS WAIVER/N			
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If the suspect/accused says "no," are to the interview and have him/her read and sign the outpect/accused says "no," are to the side of this form. If the suspect/accused says "no," are to the side of this form. If the suspect/accused says "no," are to the other side of this form. If the suspect/accused says "no," are the waiver certificate. VAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases waiver certificate must be completed as soon as possible. Every effort did be made to complete the waiver certificate bords any uses toning whater he asspect/accused. NOTE: If 1 or 2 applies, the fact that the suspect/accused only waiver befines to sign the waiver certificate bords any uses to have been proper inghts adviaal. NOTE: If 1 or 2 applies, the fact that the suspect/accused only conserning whather he os the displays indecision about requestion about requestion about requestion about requestion ing mas not bore utilized to this proprise of the size to waive counting the supect/accused on on the utilize to binder to proper inghts ad	THE WAIVER Do you understand your rights?" The suspect/accused says "no," determine what is not understood, and if accessary reparts a appropriate rights advisement. If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.] Are you ever requested a lawyer after being read your rights?" The suspect/accused says "yes," find out when and whera. If the request as recent (i.e., fewer than 30 days ago), obtain legal advice whether to minute the intergration. If the suspect/accused says "yes," they him/her read and sign the waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver certificate on the other side of this form.] SPECIAL INSTRUCTIONS 2. If the suspect/accused was questioned as such either without being advised of his/her rights of uses to sign the waiver certificate on the rights, does not wait a lawyer, wants to discuss the offense(s) under rights advisal. NOTE: If 1 or 2 apples, the fact that the suspect/accused was advised waiver certificate on the waiver certificate before any questioning intercogation, completion may be temporarily postponed. Notes should be on the circumstances. RICENINIATING STATEMENTS: I. If the suspect/accused fast made soontaneous incriminating statements bafore being profer divised of his/her rights he/site about be tool that such astements do not obligate him/her to answer further questions. 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(For personnel'stiblect to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to 	- or - (For civilians not subject to the UCMJ) You have the right to talk privately to lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins." d. "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 speak privately with a lawyer before answering further, even if you sign a waiver certificate "
Do you understand your rights?" f the suspect/accused says "no," determine what is not understood, and if accessary repeat the appropriate rights advisement. If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.) "At this time, are you willing to discuss the offense(s) under investigation and make a statement without tailing to discuss days "no," ask him/her the following question.) "At this time, are you willing to discuss the offense(s) under investigation and make a statement without tailing to a lawyer and without having a lawyer greater the <i>n</i> , <i>lewer than 3G days agpl, obtain legal advice whather to minute the interropation. If the suspect/accused says "no," or if the prior quest was not recent, ask him/her the following question.) SPECIAL INSTRUCTIONS SEVERAL INSTRUCTIONS Lever errificate to the effect that he/she busine offense(s) under statement, the accused must be conducted for assistance in drafting the proper stated to the offense(s) under statement, the accused must be conducted for assistance in drafting the proper rights advisal. NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the weiver certificate must be completed as noon as possible. Every effort did be made to completion may be temporarily postponed. Notes should be on the circumstances. If INCRININATING STATEMENTE: I, If the suspect/accused in as since data solut be noted in the comment section on the weiver certificate must be completed as noos as possible. Every effort act he suppert/accused has made spontaneous incriminating statements wither certificate data do not assistion ing may not be offen before being properly advised of his/her rights he/she should be to did the apple i should ge a lawyer.), further questioning must cease ind the comment as "If you did to a phyther her operation wither cerificate must be completed as none, as in the case of the interroga</i>	Do you understand your rights?" If the suspect/accused says "no," determine what is not understood, and if accessary ropeat the appropriate rights advisement. If the suspect/accused says "no," ask him/her the following question.) Have you ever requested a lawyer after being read your rights?" If the suspect/accused says "no," ask him/her the following question.) Have you ever requested a lawyer after being read your rights?" If the suspect/accused says "no," ask him/her the following question.) At this time, are you willing to a lawyer and without having a lawyer as recent. If e., fewer than 30 days agol, obtain legal advice whether to before the interrogation. If the suspect/accused says "no," ask p the interview and have him/her read and sign the non-wiver certificate on the order side of this form. If the suspect/accused says "no," ask p the interview and have him/her read and sign the non-wiver certificate on the order side of this form. If the suspect/accused says "no," ask p the interview and have him/her read and sign the non-wiver certificate on the other side of this form.) SPECIAL INSTRUCTIONS 2. If the suspect/accused was questioned as such either without being advised of his/her rights does not want a lawyer, wants to discuss the offense(s) under intergation, and refuses to sign the waiver certificate as a noce, as in the save estigation, and refuses to sign the waiver certificate as a noce, as in the case of it interogation, completed may be temporarily postponed. Notes should be an the circumstances. BI INCRIMINATING STATEMENTS: bafve being properly advised of his/her rights he/she should be told that according whould be a lawyer.'', forther questioning may not be circumstances. BI INCRIMINATING STATEMENTS: bafve being properly advised of his/her rights he/she should be told that according whould be a some as possible. Every effort under a very assert/accused from exercision his/her rights he/she should be told that saceording should be noted in the comment section o	TH	
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		HEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the spect/accused orally waives his/her rights but refuses to sign the waiver trificate, you may proceed with the questioning. Make notations on the iver certificate to the effect that he/she has stated that he/she understands /her rights, does not want a lawyer, wants to discuss the offense(s) under estigation, and refuses to sign the waiver certificate.	of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper
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REVERSE OF DA FORM 3881

ACLU-RDI 969 p.14

USAP 62295

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			EDURE/WAIVER CL -30; the proponent agency is	ODCSOPS	WCLOSULE TIL
	÷	DATA REQUIRED	BY THE PRIVACY ACT		•
AUTHORITY: PRINCIPAL PURPOSE: ROUTINE USES: DISCLOSURE:	To provide commar Your Social Security	ates Code, Section 3012 Iders and law enforceme y Number is used as an a Social Security Number is	nt officials with means b additional/alternate mean	by which information n s of identification to f	nay be accurately identifie acilitate filing and retrieval
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PART II - RIGHT	IS WARNING PROCEDURE
Th	IE WARNING
 WARNING - Inform the suspect/accused of: Your official position. Nature of offense(s). The fact that he/she is a suspect/accused. RIGHTS - Advise the suspect/accused of his/her rights as follows: Before I ask you any questions, you must understand your rights." 	can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both." - or - (For civilians not subject to the UCMJ) You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with
 a. "You do not have to answer my questions or say anything." b. "Anything you say or do can be used as evidence against you in a criminal trial." c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer 	 you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins." d. "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 speak privately with a lawyer before answering further, even if you sign a waiver certificate." Make certain the suspect/accused fully understands his/her rights.
"Do you understand your rights?" (If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes." ask the following question.)	"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 him/her the following question.) "At this time, are you willing to discuss the offense(s) under investigation and
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SPECIAL IN	NSTRUCTIONS
WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under hvestigation, and refuses to sign the waiver certificate.	 If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.
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REVERSE OF DA FORM 3881

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	ATS MARNING :		7
	;	PROCEDURE/WAIVER CLATIFICA LAR 190-30; the proponent agency is ODCSOPS	ENCLOSULE
ROUTINE USES: Your	40. United States Code, Section Sylde commanders and law enfo Social Security Number is used a	preement officials with means by which informat	ion may be accurately ident to facilitate filing and retrie
1. LOCATION	osure of your Social Security Nu	mber is voluntary.	
5. NAME (Last, Firsts MI)	Jorhorse 167	2. DATE 3. TIME 16Ango3 1245	4. FILE NO.
6. SSN()	7. GRADE/STAŢU	8. ORGANIZATION OR ADDRESS	
Section A. Rights	PART I - RIGHTS W	AIVER/NON-WAIVER CERTIFICATE	
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If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior equest was not recent, ask him/her the following question.) make a statement was present with you?" have him/her read as the other side of this and sign the waiver iorm.) SPECIAL INSTRUCTIONS WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the uspect/accused orally waives his/her rights but refuses to sign the waiver ertificate, you may proceed with the questioning. Make notations on the aiver certificate to the effect that he/she has stated that he/she understands s/her rights, does not want a lawyer, wants to discuss the offense(s) under vestigation, and refuses to sign the waiver certificate completed as soon as possible. Every effort ould be made to complete the waiver certificate before any questioning gins. If the waiver certificate cannot be completed at once, as in the case of eet interrogation, completion may be temporarily postponed. Notes should be prior on the circumstances. WHEN SUSPECT/ACC IOR INCRIMINATING STATEMENTS: 1. If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that WHEN SUSPECT/ACC	sed says "yes," stop the questioning until he/she has a ct/accused says "no," ask him/her the following question.)
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such statements do not obligate him/her to answer further questions. example, do not make shouldn't need an attor	used was questioned as such either without being advised some question exists as to the propriety of the first sused must be so advised. The office of the serving Staff hould be contacted for assistance in drafting the proper lies, the fact that the suspect/accused was advised should be noted in the comment section on the waiver ad initialed by the suspect/accused. USED DISPLAYS INDECISION ON EXERCISING HIS OR THE INTERROGATION PROCESS: If during the sect displays indecision about requesting counsel (for uld get a lawyer."), further questioning must cease point, you may question the suspect/accused only or she desires to waive counsel. The questioning may not e a suspect/accused from exercising his/her rights. (For such comments as "If you didn't do anything wrong, you on "h
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IMENTS (Continued)	

REVERSE OF DA FORM 3881

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PART II - RIGHT	S WARNING PROCEDURE
TH	E WARNING
 WARNING - Inform the suspect/accused of: Your official position. Nature of offense(s). The fact that he/she is a suspect/accused. RIGHTS - Advise the suspect/accused of his/her rights as follows: "Sefore 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 trial." (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer 	 can be a civilian you arrange for at no expense to the Government or a militar lawyer detailed for you at no expense to you, or both." or - (For civilians not subject to the UCMJ) You have the right to talk privately to lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins." d. "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 speak privately with a lawyer before answering further, even if you sign a waiver certificate."
	E WAIVER
If the suspect/accused says "no," determine what is not understood, and if ecessary repeat the appropriate rights advisement. If the suspect/accused says yes," ask the following question.) 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 as recent <i>fi.e., fewer than 30 days agol,</i> obtain legal advice whether to pontinue the interrogation. If the suspect/accused says "no," or if the prior quest was not recent, ask him/her the following question.}	(If the suspect/accused says "yes," stop the questioning until he/she has a iawyer. If the suspect/accused says "no," ask him/her the following question.) "At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" (If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver certificate on the other side of this form.)
HEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the ispect/accused orally waives his/her rights but refuses to sign the waiver ritificate, you may proceed with the questioning. Make notations on the aiver certificate to the effect that he/she has stated that he/she understands s/her rights, does not want a lawyer, wants to discuss the offense(s) under vestigation, and refuses to sign the waiver certificate. WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases a waiver certificate must be completed as soon as possible. Every effort bould be made to complete the waiver certificate before any questioning gins. If the waiver certificate cannot be completed at once, as in the case of eet interrogation, completion may be temporarily postponed. Notes should be bot on the circumstances. OR INCRIMINATING STATEMENTS: 1. If the supsect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.	 2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal. NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused. WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS: If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you tidn't do anything wrong, you shouldn't need an attorney.")
MMENTS (Continued)	

REVERSE OF DA FORM 3881

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HTS	WARNING PROCE	DURE/WAIVER	IFICATE	en e
For use		30; the proponent agency is OD	csops ENCL	OSCRE I
	DATA REQUIRED E	BY THE PRIVACY ACT		
PRINCIPAL PURPOSE: To provide commande ROUTINE USES: Your Social Security N	s Code, Section 3012(ers and law enforcemen lumber is used as an ac cial Security Number is	t officials with means by w	vhich information ma identification to fac	y be accurately identi ilitate filing and retrie
1. LOCATION EDB WELLEBO	766-4	2. DATE #2 3. 16 Aug03	TIME SAL	4. FILE NO.
5. SSN 7.	GRADE/STATUS	8. ORGANIZATION OR A	DDRESS	
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	T I - RIGHTS WAIVER/	NON-WAIVER CERTIFICAT	E	
Section A. Rights				
he investigator whose name appears below told me that	he/she is with the United S	States Army and wanted to question m	e about the following o	SBCT 47A
spected/accused:	2 gandie Cl	latura Frac	, dota, no	۹
I do not have to answer any question about the oriensets Anything I say or do can be used as evidence against <i>(For personnel subject othe UCMJ)</i> I have the right to during questioning. This lawyer can be a civilian lawyer or both.	me in a criminal trial. talk privately to a lawyer	before, during, and after quest		iver present with me me at no expense to me
me during questioning. I understand that this lawyer c will be appointed for me before any questioning begins If I am now willing to discuss the offense(s) under inve speak privately with a lawyer before answering further COMMENTS (Continue on reverse side)	s. estigation, with or without	a lawyer present, I have a right		
ction B. Waiver				
nderstand my rights as stated above. I am now willing to ring a lawyer present with me,	discuss the offense(s) und	er investigation and make a sta	tement without talking t	o a lawyer first and with
WITNESSES (If available)	3	. SIGNATURE OF INTERVIE	WEE	
NAME (Type or Print)				- <i>`</i>
ORGANIZATION OR ADDRESS AND PHONE	4	SIGNATURE OF INVESTIG	ATOR	66
NAME (Type or Print)	76/16/ 5.	TYPED NAME OF INVESTI	GATOR	
ORGANIZATION OR ADDRESS AND PHONE	5.	ORGANIZATION OF INVES	TIGATOR	
ion C. Non-waiver		 (a) a start and a sta 		
I de not want to give up my rights		☐ I do not want to be questi		
SIGNATURE OF INTERVIEWEE			oned or say anything	
		-		
CH THIS WAIVER CERTIFICATE TO ANY SWORN STAT		A DESCRIPTION OF THE OWNER OF THE	BY THE SUSPECT/ACCI	JSED 6301
FORM 3881, NOV 89	EDITION OF NOV 84	IS OBSOLETE		USAPA 2

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		30; the proponent agency i	S ODCSOPS	LOSURETI
		BY THE PRIVACY ACT		
AUTHORITY: Title 10, United States	n J Code Section 3012/	~1		
PRINCIPAL PURPOSE: To provide commanders	and law enforcement	JI t officials with means	by which information m	
ROUTINE USES: Your Social Security Nu	mber is used as an ar	iditional/alternate mear	by which information matter to factor	ay de accurately identifi
DISCLOSURE: Disclosure of your Socia	I Security Number is	voluntary.		intate ming and retrieva
LOCATION	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	2. DATE	3. TIME	4. FILE NO.
FOB-War horse"	10,70	16A1403	1104	A. FILE NO.
NAME (Last, First, MI) 😒		8. ORGANIZATION	DR ADDRESS	
5. SSN	GRADE/STATUS			
	I - RIGHTS WAIVER/	NON-WAIVER CERTIFI	CATE	
ection A. Rights				
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ispected/accused: intrienrection	of death	of Fragi a	on me about the following of the second s	offense(s) of which I am
efore he/she asked me any questions about the diffense(s), i do not have to answer any question or say anything.	fowever, he/she made i	t clear to me that Anave th	e following rights:	
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during questioning. This lawyer can be a civilian lawyer	l arrange for at no ever	before, ouring, and after o	uestioning and to have a lar	wyer present with me
or both.		te to the Government of	a minutery rewyer detailed for	me at no expense to me,
		- or -		
(For civilians not subject to the UCMJ) I have the right	to talk privately to a law	yer before, during, and aft	er questioning and to have a	a lawyer present with
me during questioning. I understand that this lawyer car	n be one that I arrange fo	er at my own expense, or i	f I cannot afford a lawyer ar	nd want one, a lawyer
will be appointed for me before any questioning begins.				
If I am now willing to discuss the offense(s) under inves	tigation, with or without	a lawyer present, I have a	right to stop answering qu	estions at any time, or
speak privately with a lawyer before answering further,	even if I sign the waiver	below.		
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PART II - RIGHTS	S WARNING PROCEDURE
THE	E WARNING
 WARNING - Inform the suspective cused of: a. Your official position. b. Nature of offense(s). 	can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both." - or -
 c. The fact that he/she is a suspect/accused. 2. RIGHTS - Advise the suspect/accused of his/her rights as follows: "Before I ask you any questions, you must understand your rights." a. "You do not have to answer my questions or say anything." b. "Anything you say or do can be used as evidence against you in a criminal trial.". c. (For person to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer 	 (For civilians not subject to the UCMJ) You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins." d. "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 speak privately with a lawyer before answering further, even if you sign a waiver certificate."
ТНЕ	WAIVER
Do you understand your rights?" If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says yes," ask the following question.) 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 recent (<i>i.e., fewer than 30 days agol</i> , obtain legal advice whether to ontinue the interrogation. If the suspect/accused says "no," or if the prior equest was not recent, ask him/her the following question.)	"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 him/her the following question.) "At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" (If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)
SPECIAL IN	I
HEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the uspect/accused orally waives his/her rights but refuses to sign the waiver artificate, you may proceed with the questioning. Make notations on the aiver certificate to the effect that he/she has stated that he/she understands s/her rights, does not want a lawyer, wants to discuss the offense(s) under vestigation, and refuses to sign the waiver certificate.	2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.
WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases e waiver certificate must be completed as soon as possible. Every effort ould be made to complete the waiver certificate before any questioning gins. If the waiver certificate cannot be completed at once, as in the case of	NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.
reet interrogation, completion may be temporarily postponed. Notes should be pt on the circumstances. IOR INCRIMINATING STATEMENTS: 1. If the supsect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.	WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS: If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")
MMENTS (Continued)	· ·
	6303

REVERSE OF DA FORM 3881

USAPA V2.01

RIGHT For us	WARNING PROCE	DURE/WAIVER C 30; the proponent agency	ERTIFICATE	JUCSURET
PRINCIPAL PURPOSE: To provide command ROUTINE USES: Your Social Security	tes Code, Section 3012(ders and law enforcemen	t officials with means iditional/alternate mea	by which information	may be accurately identifi facilitate filing and retriev
1. LOCATION FOBMULA HOUSE	7 3624	2. DATE 16Auf03	3. TIME //04	4. FILE NO,
5. NAME ILast, First, MI) **		8. ORGANIZATION	OR ADDRESS	
6. SSN 7	. GRADE/STATUS			
P,¢	RT I - RIGHTS WAIVER	NON-WAIVER CERTIF	ICATE	
Section A. Rights				
The investigator whose name appears below told me the uspected/accused: $1 + \frac{1}{\sqrt{1 + \frac{1}{1 + \frac{1}{1 + \frac{1}{\sqrt{1 + \frac{1}{1 + \frac{1}{1 + 1}{1 + 1}}}}}}}}}}}}}}}}}}}}}}}}$		and wanted to ques	Co (4+5B ion me about the following	3BCT4/T
efore he/she asked me any questions about the offense	e(s), however, he/she made i	clear to me that have t	he following rights:	
 I do not have to answer any question or say anything 	ng.			
 Anything I say or do can be used as evidence again (For personnel subject othe UCMJ - I have the right during questioning. This lawyer can be a civilian law or both. 	to talk privately to a lawyer	before, during, and after use to the Government or	questioning and to have a a military lawyer detailed	a lawyer present with me I for me at no expense to me,
		or -		
If I am now willing to discuss the offense(s) under ir speak privately with a lawyer before answering furth 	ivestigation, with or without her, even if I sign the waiver	a lawyer present, I have below.	a right to stop answering	questions at any time, or
ction B. Waiver			·····	
nderstand my rights as stated above. I am now willing t ring a lawyer present with me.	o discuss the offense(s) und	er investigation and make	a statement without talk	ing to a lawyer first and witho
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ORGANIZATION OR ADDRESS AND PHONE	6.	ORGANIZATION OF	NVESTIGATOR	
tion C. Non-waiver				
I do not want to give up my rights		☐ I do not want to be	questioned or say anythir	
SIGNATURE OF INTERVIEWEE				63 _{0 /}
ACH THIS WAIVER CERTIFICATE TO ANY SWORN ST	ATEMENT (DA FORM 2823)	SUBSEQUENTLY EXECT	JTED BY THE SUSPECT/	ACCUSED
FORM 3881, NOV 89	EDITION OF NOV 84	IS OBSOLETE		USAPA 2.01

PART II - BIGH	ITS WARNING PROCEDURE
	HE WARNING
 WARNING - Inform the suspect/accused of	 can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both." or - (For civilians not subject to the UCMJ) You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins." d. "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 speak privately with a lawyer before answering further, even if you sign a waiver certificate." Make certain the suspect/accused fully understands his/her rights.
ТН	IE WAIVER
No you understand your rights?" the suspect/accused says "no," determine what is not understood, and if cessary repeat the appropriate rights advisement. If the suspect/accused says es," ask the following question.) save you ever requested a lawyer after being read your rights?" the suspect/accused says "yes," find out when and where. If the request as recent <i>(i.e., fewer than 30 days ago)</i> , obtain legal advice whether to natinue the interrogation. If the suspect/accused says "no," or if the prior quest was not recent, ask him/her the following question.)	"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 him/her the following question.) "At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" (If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)
 KEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the pect/accused orally waives his/her rights but refuses to sign the waiver ifficate, you may proceed with the questioning. Make notations on the ver certificate to the effect that he/she has stated that he/she understands her rights, does not want a lawyer, wants to discuss the offense(s) under estigation, and refuses to sign the waiver certificate. /AIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases waiver certificate must be completed as soon as possible. Every effort uid be made to complete the waiver certificate before any questioning ns. If the waiver certificate cannot be completed at once, as in the case of et interrogation, completion may be temporarily postponed. Notes should be on the circumstances. R INCRIMINATING STATEMENTS: If the supsect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions. 	 2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal. NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused. WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS: If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For
AENTS (Continued)	example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")
	6305

VERSE OF DA FORM 3881

ACLU-RDI 969 p.24

USAPA V2.01

ULCLIT ANTHAIAIA	G PROCEDURE/WAIVER CERT, JATE	
For use of this form, s		VCLOSULENT
DATA R	REQUIRED BY THE PRIVACY ACT	
The ro, sained States Code, Sec	tion 3012(g)	
	enforcement officials with means by which information may	be accurately identif
DISCLOSURE: Disclosure of your Social Security	ed as an additional/alternate means of identification to facili Number is voluntary.	tate filing and retriev
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PART L- BIGHT	S WAIVER/NON-WAIVER CERTIFICATE	
Section A. Rights		
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during questioning. This lawyer can be a givilian jawwer lawyer to	/ to a lawyer before, during, and after questioning and to have a lawyer	er present with me
or both.	or at no expense to the Government or a military lawyer detailed for m	e at no expense to me,
	- or -	
For civilians not subject to the UCM/U Library at 11 to 11 to 11		
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In the doining questioning. I understand that this lawyer can be one that will be appointed for me before any questioning begins. If I am now willing to discuss the offense(s) under investigation, wit speak privately with a lawyer before answering further, even if I sign COMMENTS (Continue on reverse side) ction B. Waiver inderstand my rights as stated above. I am now willing to discuss the of ring a lawyer present with me. WITNESSES (If available) NAME (Type or Print) ORGANIZATION OR ADDRESS AND PHONE NAME (Type or Print) ORGANIZATION OR ADDRESS AND PHONE	tt I arrange for at my own expense, or if I cennot afford a lawyer and a th or without a lawyer present, I have a right to stop answering questi n the waiver below. Iffense(s) under investigation and make a statement without talking to 3. SIGNATURE OF INTERVIEWEE 4. SIGNATURE OF INVESTIGATOR 5. TYPED NAME OF INVESTIGATOR	vant one, a lawyer ons at any time, or
Me builting questioning. I understand that this lawyer can be one that will be appointed for me before any questioning begins. If I am now willing to discuss the offense(s) under investigation, wit speak privately with a lawyer before answering further, even if I sign COMMENTS (Continue on reverse side) ction B. Waiver inderstand my rights as stated above. I am now willing to discuss the of ring a lawyer present with me. WITNESSES (If available) NAME (Type or Print) ORGANIZATION OR ADDRESS AND PHONE NAME (Type or Print) ORGANIZATION OR ADDRESS AND PHONE	tt I arrange for at my own expense, or if I cennot afford a lawyer and without a lawyer present, I have a right to stop answering questinn the waiver below. ffense(s) under investigation and make a statement without talking to 3. SIGNATURE OF INTERVIEWEE 4. SIGNATURE OF INVESTIGATOR 5. TYPED NAME OF INVESTIGATOR 6. ORGANIZATION OF INVESTIGATOR	vant one, a lawyer ons at any time, or
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	S WARNING PROCEDURE
ТН	E WARNING
 WARNING - Inform the suspect/accused of: Your official position. Nature of offense(s). The fact that he/she is a suspect/accused. RIGHTS - Advise the suspect/accused of his/her 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 trial." "I (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer 	 can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both." or - <i>Ifor civilians not subject to the UCMJ</i> You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins." d. "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 speak privately with a lawyer before answering further, even if you sign a waiver certificate."
THE	WAIVER
Do you understand your rights?" If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says yes," ask the following question.) Have you ever requested a lawyer after being read your rights?" f the suspect/accused says "yes," find out when and where. If the request was recent (<i>i.e., fewer than 30 days ago</i>), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior equest was not recent, ask him/her the following question.)	"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 him/her the following question.) "At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" <i>(If the suspect/accused says "no," stop the interview and</i> <i>have him/her read and sign the non-waiver section of the waiver certificate on</i> <i>the other side of this form. If the suspect/accused says "yes," have him/her read</i> <i>and sign the waiver section of the waiver certificate on the other side of this</i> <i>form.</i>)
OR INCRIMINATING STATEMENTS: 1. If the supsect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that	 2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal. NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused. WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS: If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For
such statements de patra l'une d'une	example, do not make such comments as "If you didn't tio anything wrong, you shouldn't need an attorney.")

REVERSE OF DA FORM 3881

ACLU-RDI 969 p.26

USAPA V2.01

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RIGH J WARNING P	PROCEDURE/WAIVER CERT CATE AR 190-30; the proponent agency is ODCSOPS	ENCLOSUZE TIT
	UIRED BY THE PRIVACY ACT	ENLLOU
AUTHORITY: Title 10, United States Code, Section PRINCIPAL PURPOSE: To provide commanders and law enfo	3012(g) preement officials with means by which informates an additional/alternate means of identification	ition may be accurately identifi n to facilitate filing and retrieva
LOCATION FOS Warhorster yound	2. DATE 3. TIME	4. FILE NO.
NAME (Last, First, Mile	8. ORGANIZATION OR ADDRESS	
SSN 7. GRADE/STATY	IS .	
	AIVER/NON-WAIVER CERTIFICATE	
ection A. Rights	AIVER/INON-WAIVER CERTIFICATE	
e investigator whose name appears below told me that he/she is with the	United States Army <u>CCO 64</u> F	SB 3BCT+ID
spected/accused: internation vegera, np de		lowing offense(s) of which I am
fore he/she asked me any questions about the offense(s), however, he/she	e made it clear to me that I have the following rights:)
I do not have to answer any question or say anything. Anything I say or do can be used as evidence against me in a criminal tr	rial	
(For personnel subject othe UCMJ have the right to talk privately to a	a lawyer before, during, and after questioning and to b	
doning questioning. This lawyer can be a civilian lawyer I arrange for at i	no expense to the Government or a military lawyer de	ave a lawyer present with me tailed for me at no expense to me
or both.		
(For civilians not subject to the UCMJ) I have the right to talk privately me during questioning. I understand that this lawyer can be one that I ar will be appointed for me before any questioning begins. If I am now willing to discuss the offense(s) under investigation, with or speak privately with a lawyer before answering further, even if I sign the	rrange for at my own expense, or if I cannot afford a la without a lawyer present, I have a right to stop answ	awyer and want one, a lawyer
COMMENTS (Continue on reverse side)		
ction B. Waiver		
derstand my rights as stated above. I am now willing to discuss the offens ing a lawyer present with me.	se(s) under investigation and make a statement withou	t talking to a lawyer first and withc
WITNESSES <i>(If available)</i>	3. SIGNATURE OF INTERVIEWEE	
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4		
NAME (Type or Print)	5. TYPED NAME OF INVESTIGATOR	
ORGANIZATION OR ADDRESS AND PHONE	6. ORGANIZATION OF INVESTIGATOR	
ion C. Non-waiver	<u></u>	
l do not want to give up my rights	•	
I do not want to give up my rights	I do not want to be questioned or say ar	lything
	I do not want to be questioned or say an	
I want a lawyer		630

PART II - RIGHT	S WARNING PROCEDURE
тн	E WARNING
 WARNING - Inform the suspect/accused of: Your official position. Nature of offense(s). The fact that he/she is a suspect/accused. RIGHTS - Advise the suspect/accused of his/her 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 trial." (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer 	 can be a civilian you arrange for at no expense to the Government or a milital lawyer detailed for you at no expense to you, or both." or - (For civilians not subject to the UCMJ) You have the right to talk privately to lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins." d. "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 speak privately with a lawyer before answering further, even if you sign a waiver certificate."
THE	E WAIVER
Do you understand your rights?" If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says yes," ask the following question.) 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 vas recent <i>(i.e., fewer than 30 days ago)</i> , obtain legal advice whether to pontinue the interrogation. If the suspect/accused says "no," or if the prior equest was not recent, ask him/her the following question.)	"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 him/her the following question.) "At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" (If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)
SPECIAL IN HEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the spect/accused orally waives his/her rights but refuses to sign the waiver rtificate, you may proceed with the questioning. Make notations on the aiver certificate to the effect that he/she has stated that he/she understands s/her rights, does not want a lawyer, wants to discuss the offense(s) under	 If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.
AVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases a waiver certificate must be completed as soon as possible. Every effort build be made to complete the waiver certificate before any questioning gins. If the waiver certificate cannot be completed at once, as in the case of eet interrogation, completion may be temporarily postponed. Notes should be bot on the circumstances. OR INCRIMINATING STATEMENTS: 1. If the supsect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.	 NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused. WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS: If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")
AMENTS (Continued)	6309

	For use of t			gency is ODCSOPS	ENCLOSULE	TX
		DATA REQUIRE	D BY THE PRIVACY	ACT		
AUTHORITY: PRINCIPAL PURPOSE: OUTINE USES: DISCLOSURE:	Title 10, United States C To provide commanders Your Social Security Nurr Disclosure of your Social	and law enforcem nber is used as an	ent officials with m additional/alternate	eans by which informative means of identification	tion may be accurately i n to facilitate filing and r	dentif etriev
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	PART I	- RIGHTS WAIVE	R/NON-WAIVER CE	RTIFICATE		
ection A. Rights						
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he investigator whose name a	ppears below told me that he/	she is with the Unite		<u>CCe 64</u> F		
uspected/accused:	incident of Ir	agi deta	and wanted to	question me about the foll	lowing offense(s) of which I	am
efore he/she asked me any qu	estions about the offense(s), h	owever, he/she mad	e it clear to me that I I	have the following rights:		
l do not have to answer an	y question or say anything.					
 Anything I say or do can be (For versonnel subject other 	e used as evidence against me	in a criminal trial.				
during questioning. This law	<i>UCMJ</i> I have the right to tai wyer can be a civilian lawyer I	arrange for at no ex	er before, during, and pense to the Governm	after questioning and to ha	ave a lawyer present with m	e .
or both.	,			and of a minitary lawyer deta	alled for me at no expense t	o me,
COMMENTS (Continue on	er before answering further, ev 					
ction B. Waiver		·				
ing a lawyer present with me.	above. I am now willing to disc	cuss the offense(s) u	inder investigation and	make a statement without	t talking to a lawyer first and	l withc
WITN	ESSES (If available)		3. SIGNATURE C	F INTERVIEWEE	~~~~	
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tion C. Non-waiver						\
DRGANIZATION OR ADDRE tion C. Non-waiver		$\overline{\left\langle \cdot \right\rangle}$				\
tion C, Non-waiver I do not want to give up my U I want a lawyer	rights		I do not want	to be questioned or say any	ything	\
tion C, Non-waiver	rights		I do not want	to be questioned or say any	ything	\
tion C. Non-waiver	rights EE			· · ·		\
tion C. Non-waiver	rights EE ITE TO ANY SWQRN STATEM	IENT IDA FORM 28	23) SUBSEQUENTLY	· · ·		\ 63

	S WARNING PROCEDURE
· · · · · · · · · · · · · · · · · · ·	E WARNING
1. WARNING - Inform the suspect/accuថ្មຂໍ້ຜູ້ດຳ:	can be a civilian you arrange for at no expense to the Government or a milita
a. Your official position.	lawyer detailed for you at no expense to you, or both."
 b. Nature of offense(s). c. The fact that he/she is a suspect/accurad 	- or -
 c. The fact that he/she is a suspect/accused. 2. RIGHTS - Advise the suspect/accused of his/her rights as follows: 	(For civilians not subject to the UCMJ) You have the right to talk privately to
"Before I ask you any questions, you must understand your rights."	lawyer before, during, and after questioning and to have a lawyer present wit
 "You do not have to answer my questions or say anything." 	you during questioning. This lawyer can be one you arrange for at your own
b. "Anything you say or do can be used as evidence against you in a	expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."
criminal trial."	 d. "If you are now willing to discuss the offense(s) under investigation,
c. (For personnel studiect to the UCMJ) "You have the right to talk	with or without a lawyer present, you have a right to stop answering
privately to a lawyer before, during, and after questioning and to	questions at any time, or speak privately with a lawyer before
have a lawyer present with you during questioning. This lawyer	answering further, even if you sign a waiver certificate."
	Make certain the suspect/accused fully understands his/her rights.
THE	WAIVER
· · · ·	
o you understand your rights?"	"Do you want a lawyer at this time?"
the suspect/accused says "no," determine what is not understood, and if	(If the suspect/accused says "yes," stop the questioning until he/she has a
cessary repeat the appropriate rights advisement. If the suspect/accused says es," ask the following question.)	lawyer. If the suspect/accused says "no," ask him/her the following question.)
	"At this time, are you willing to discuss the offense(s) under investigation and
lave you ever requested a lawyer after being read your rights?"	make a statement without talking to a lawyer and without having a lawyer
the suspect/accused says "yes," find out when and where. If the request	present with you?" (If the suspect/accused says "no," stop the interview and
as recent <i>li.e., fewer than 30 days ago)</i> , obtain legal advice whether to ntinue the interrogation. If the suspect/accused says "no," or if the prior	have him/her read and sign the non-waiver section of the waiver certificate on
quest was not recent, ask him/her the following question.)	the other side of this form. If the suspect/accused says "yes," have him/her rea
	and sign the waiver section of the waiver certificate on the other side of this form, J
SPECIAL IN	ISTRUCTIONS
HEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the	2. If the suspect/accused was questioned as such either without being advised
spect/accused orally waives his <i>i</i> her rights but refuses to sign the waiver	of his/her rights or some question exists as to the propriety of the first
tificate, you may proceed with the questioning. Make notations on the	statement, the accused must be so advised. The office of the serving Staff
iver certificate to the effect that he/she has stated that he/she understands	Judge Advocate should be contacted for assistance in drafting the proper
/her rights, does not want a lawyer, wants to discuss the offense(s) under estigation, and refuses to sign the waiver certificate.	rights advisal.
sangenon, and refuses to sign the waiver certificate.	
VAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases	NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised
waiver certificate must be completed as soon as possible. Every effort	accordingly should be noted in the comment section on the waiver
uld be made to complete the waiver certificate before any questioning	certificate and initialed by the suspect/accused.
ins. If the waiver certificate cannot be completed at once, as in the case of	WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR
et interrogation, completion may be temporarily postponed. Notes should be	HER RIGHTS DURING THE INTERROGATION PROCESS: If during the
t on the circumstances.	interrogation, the suspect displays indecision about requesting counsel (for
	example, "Maybe I should get a lawyer."), further questioning must cease
DR INCRIMINATING STATEMENTS:	immediately. At that point, you may question the suspect/accused only
1. If the supsect/accused has made spontaneous incriminating statements	concerning whether he or she desires to waive counsel. The questioning may not
before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.	be utilized to discourage a suspect/accused from exercising his/her rights. (For
answer further questions.	example, do not make such comments as "If you didn't do anything wrong, you
	shouldn't need an attorney.")
MENTS (Continued)	
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REVERSE OF DA FORM 3881

For use of this form,	NG PROCEDURE/WAIVER CERTILATE
	REQUIRED BY THE PRIVACY ACT
	•)
AUTHORITY: Title 10, United States Code, Sec PRINCIPAL PURPOSE: To provide sommandors and law	ction 3012(g)
To provide southanders and taw	enforcement officials with means by which information may be accurately identifie
DISCLOSURE: Disclosure of your Social Security	ised as an additional/alternate means of identification to facilitate fille
	y Number is voluntary.
LOCATION	2. DATE 3. TIME 4 ENENO
FOB Warhorse" It a	961 16 Aug 03 10 SO 4. FILE NO.
NAME (Last, First, MI) × C	B. ORGANIZATION OR ADDRESS
. SSN 7. GRADE/ST	TATUS
	IS WAIVER/NON-WAIVER CERTIFICATE
ection A. Rights)
	<u>v</u>
ne investigator whose name appears below told me that he/she is with	th the United States Army C.C. 6.4.FS.B. 3.BCT.#T.N
spected/accused: 5000 at 10 for	
	Chart I U U VIC O L 10 C C
fore he/she asked me any questions about the offense(s), however, h I do not have to answer any question or say anything.	he/she made it clear to me that I have the following jights:
Anything I say or do can be used as evidence against me in a crimi	inal trial.
(For personnel subject othe UCMJ I have the right to talk privately	v to a lawyer before during and after questioning and the head
s i reserving ernis lawyer can be a civilian lawyer i arrange fo	or at no expense to the Government or a military lawyer detailed for me at no expense to me,
or both.	, , , , , , , , , , , , , , , , , , ,
	- OF -
(For civilians not subject to the LICAS II II)	- 10 -
For civilians not subject to the UCMJI I have the right to talk priva	ately to a lawyer before during and after superiorized to the
a questioning. I difiderstand that this lawyer can be one that	ately to a lawyer before during and after superiorized to the
will be appointed for me before any questioning begins.	ately to a lawyer before, during, and after questioning and to have a lawyer present with at 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. If I am now willing to discuss the offense(s) under investigation, wi	ately to a lawyer before, during, and after questioning and to have a lawyer present with at I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer ith or without a lawyer present. I have a right to store account.
will be appointed for me before any questioning begins.	ately to a lawyer before, during, and after questioning and to have a lawyer present with at I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer ith or without a lawyer present. I have a right to store account.
will be appointed for me before any questioning begins. If I am now willing to discuss the offense(s) under investigation, will speak privately with a lawyer before answering further, even if I sig	ately to a lawyer before, during, and after questioning and to have a lawyer present with at I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer ith or without a lawyer present. I have a right to store account.
will be appointed for me before any questioning begins. If I am now willing to discuss the offense(s) under investigation, wi	ately to a lawyer before, during, and after questioning and to have a lawyer present with at I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer ith or without a lawyer present. I have a right to store account.
will be appointed for me before any questioning begins. If I am now willing to discuss the offense(s) under investigation, will speak privately with a lawyer before answering further, even if I sig COMMENTS (Continue on reverse side)	ately to a lawyer before, during, and after questioning and to have a lawyer present with at I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer ith or without a lawyer present. I have a right to store account.
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PART II - RIGHTS	S WARNING PROCEDURE
THE	WARNING
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 WARNING - Inform the suspect/accused of: Your official position. Nature of offense(s). The fact that he/she is a suspact/accused. RIGHTS - Advise the suspect/accused of his/her rights as follows: "Sefore 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 trial." (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer 	 can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both." or - (For civilians not subject to the UCMJ) You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins." d. "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 speak privately with a lawyer before answering further, even if you sign a waiver certificate."
207	WAIVER
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Do you understand your rights?" If the suspect/accused says "no," determine what is not understood, and if accessary repeat the appropriate rights advisement. If the suspect/accused says yes," ask the following question.) 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 as recent <i>(i.e., fewer than 30 days ago)</i> , obtain legal advice whether to ontinue the interrogation. If the suspect/accused says "no," or if the prior quest was not recent, ask him/her the following question.)	"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 him/her the following question.) "At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" (If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)
SPECIAL IN:	STRUCTIONS
HEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the spect/accused orally waives his/her rights but refuses to sign the waiver rtificate, you may proceed with the questioning. Make notations on the siver certificate to the effect that he/she has stated that he/she understands /her rights, does not want a lawyer, wants to discuss the offense(s) under restigation, and refuses to sign the waiver certificate. WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases	 If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal. NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be contact in the suspect/accused was advised.
waiver certificate must be completed as soon as possible. Every effort build be made to complete the waiver certificate before any questioning gins. If the waiver certificate cannot be completed at once, as in the case of bet interrogation, completion may be temporarily postponed. Notes should be at on the circumstances. OR INCRIMINATING STATEMENTS: 1. If the supsect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.	accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused. WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS: If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")
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SHORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSGPS PRIVACY ACT STATEMENT • : y• AUTHORITMY: Title 1830 USC Section 2012 Title 5 USC Section 295 51; E.O. 9397 dated November 22, 1943 (SS/w). To proposite commanders and law enforcement officialais with means by which information may be accurately PRINCIPAL PPURPOSE: ROUTINE LESSES: Your unsocial security mumber is used as an edutional datemate means of identification to facilitate ming and ta DISCLOSEURE: Desclosare of your social security number is voluntaa,y LOCATION DATE (YYYYYMMDD FILE NUMBE 4. CAMP WARHORSE, IRRAQ 2003/008/03 MIQDLE NAME 6. SSNN GRAD ORESS 670 b6and the second 61 WANTITTO MAKE THE FOLLOWING STATEMENT U 67 Detainants numbers and were all detained by B 2 x IN (TIF II-67) during a raraid on suspected Bat ath Party members and suspects involved in mortar attacks of Camps Warhorse and Schmiden. All weapons were turned in to the camp Wathorse Detention Center. All AK-47's and pistols will be subsequently turned over to the Baquhabah Police Station where the will be distributed to various police stations in the Diyala Province. All arger weapons and explosions will be released to engineers for final didisposition.///END OF STATEMENT// 10. EXCH.BIT 11 INITIALS OF PERSON MAKING STATEMENT PAGE 1 OF 5.00 ADDITIONAL PAGES MUSIST CONTAINT DATED THE BOITTOM OF EACH AL SON MAKING THE STATEMENT, AND PAGE NUMBER MUST FEE BE INDICATED . D DA FORM-2823, DECEC 1998 DA FORM 2823, JUNE 72, IS OBSOLETE 6317
SWORN STATEMENT EXH, BITB For use of this form, see AR 190-45; the proponent agency is ODCSOPS PRIVÂCY ACT STATEMENT Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN). AUTHORITY: To provide commanders and law enforcement officials with means by which information may be accurately PRINCIPAL PURPOSE: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval. ROUTINE USES: Disclosure of your social security number is voluntary. DISCLOSURE: 4. FILE NUMBER 2. DATE, (YYYYMMDD) 3. TIME 1. LOCATION 2003/08/14 1 1 AMP WARHORSE ITAQ 7. GRADE/STATU 6. SSN LAST NAME, FIRST NAME, MIDDLE NAME 8. ORGANIZATION OR ADDRESS 9 , WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH was at E-MED Addstation they recived a Call Ssying Detainee was vomiting so I came to check it alf. whe arrived he was not vomiting at the time, but had some comeiny out of his nose, I was going to Start I decided to go back to the Aid Station to do. I was told to give him an I it thereas what ask If his vitals were Not outrageous and return to tell what the situation was and she told me if 670-4 think he was too serious to bring him down. I go by the Detention Facality to do so and the guy went from Greathing Startel having a pulse to Not having anything. and I returned to get a vehicle to pick him up with. They sent a e-vac team in a magg to pick him life when by arrived they reassed his vitals and still nothing solupe toped CPR put him on a lither and took him to the station -111 END OF STATEMENT.111-11. INITIALS OF PERSON MAKING STATEMENT PAGE 1 OF PAGES 10. EXHIBIT ____ TAKEN AT _____ DATED ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED. 6318 DA FORM 2823, JUL 72, IS OBSOLETE DA FORM 2823, DEC 1998



STATEMENT OF	TAKEMAT Camp Warhorse DATED 2003/08/14
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	AFFIDAVIT
	, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT
ST ME. THE STATEMENT IS TAVE. I	S ON PAGE <u>S</u> . I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE
CONTAINING THE STATEMENT, THAT	E MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT DUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.
	(Signature of Person Making Statement)
WITNESSES: b6-	Subscribed and sworn to before me, a person authorized by law
WITNESSES: 66-67C	-4 administer oaths, this 234 is day of AUGUST , 200
	at
ORGANIZATION OR ADDRESS	(Signature of Person Administering Oath)
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A(20-RDI 969 p.39

SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS EXHIBITC LOCATION DATE AST NAME, FIRST NAME, MIDDLE NAME EILE NUMBER TS Nugast03 13:30 SOCIAL SECURITY NUMBER GRADE/STATUS ORGANIZATION OR ADDRESS WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH On 13 August 03 I went to the Camp Worldovse's EPW center for the purpose of health screening the detaines. I was accompted by two specialists from the 1982nd. apon arrival be everla sheet of paper with the new detaines numbers on/it, with Colums for BP& pulse recording and treatments it needed. As I was walking by the 2 large polding areas for detainees, I noticed a civilian detained lying outside on the Siddwalk He was speaking to the MP's. Il asked what was wrong with him. the response from the MP was he felt ill the prior nite. I said I would like to see him after, the new detainers. With the help of an interpreter who was a detaine A saw and evaluated the new detaines, BP&P were checked and recorded on the sheet provided. I saw one young man in extreme distress - complaining of rectal pain, I defered an exam andarranged for an ambulance to take him to ECHO MED for Further Exam. The last detained I evaluated was the one lying on the sidewalk when I came in. He walked over and sort in a chair without assistance. Through the interpreter I asked how he was feeling, the response was my nose hurtf it is dry, and sometimes blood comes out" he kept gesturing to his nose. I said is there anything else bothering you'l Had Ggain gestured to his nose and said it is not and I can't sleep 44040 the EXHIBIT PERSON MAKING STATEMEN PAGE 1 OF PAGES ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF TAKEN AT THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE_____OF____PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM. DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED. USAPPC V26321

STATEMENT (Continued) interpreter. Ichecked his BP&P - I do not recall exactly, but it was around 19 -88. Neart rate regular. The numbers were recorded on the daily record. I left instructions for this man to receive an extra water bothe and not go outside in the sun. This man did not appear to be in acute distress at the moment I was talking to him. Ne boked to be about

S5 to 65 yrs of age and we'll nourished, His stiniwas warm areldry. There were no obvious signs of jajury or trauma. I told the MI's if he were to act acutely ill, call for the ambulance to take him to Echo Med Fight away. WITNESSEs: WITNESSES: Subscribed and swom to before me, a person authorized by law to administer oaths, this <u>6</u> day of <u>Argust</u> 13203

	Subscribed and sworn to before me, a person authorized by law to
	administer oaths, this 5 day of Angust 13203
	at 1430
	bb-2
ORGANIZATION OR ADDRESS	(Signature of Person Administering Oath)
	(Typed Name of Person Administering Oath)
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NITIALS OF PERSON MAKING STATEMENT	blo-4 PAGE OF PAGES

ACLU-RDI 969 p.41

6322

XHIBIT SWORN STATEMENT Forxuse of this form, see AR 190-45; the proponent agency is ODCSOPS LOCATION DATE IME FILE NUMBER Camp arhorse 2030216 1324 LAST NAME, FIRST NAME, MIDDLE NAME SOCIAL SECURITY NUMBER GRADE/STATUS ORGANIZATION OR ADD WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: 166-4 On 20030813, at midday, prisoner #0352808 began constraining 67C-4 that he was ill. The previous day he had recieved an medics and had also complained trom to them g the 13th, 50 we decided lier to let him o. cilled radio watch in the front of at the 1600, someone informed collection ill, which I thought was stra water and shade. me that he still was was strange, since he had More been going on, and he was lying down, but seemed - returned to the front to listen to the I went back to see was iqued. radio again. about 1640, someone the prisoner had vomitted and possibly told me that went back again to check on h a puddle next to his head and his buttocks were. Not knowing what and ere was informed our medic, who went to ţ, once again returned to the front to wa try Monitor the radio. About 20 minutes and then Someone Passed ran and had stopped fold prisone breathing and was wheomscious EXHIBIT INITIALS OF PERSON MAKING STATEMENT b6-4 b76-4 PAGE 1 OF $\underline{\sim}$ PAGES ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _ 6323 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED ACLU-RDI 969 p.42^{es.}" When Additional Pages are utilized, the BACK of Page 1 will be lined out, and the

STATEMENT (Continued) At the same returne to evaluate the prisoner was 书记 octors (00 at Once happened, immediately drove Ed \overline{t} a Med to inform nsoner Them conscious DI lisone begun CPR ily going in plugged the muy. After while , 30 mask hose and Cou Personnel Station ok AFFIDAVIT , 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 INDUC (Signature of Person Making Statement) WITNESSES: Subscribed and sworn to before me, a person authorized by law to administer oaths, this $\int \mathcal{G}^{\mathcal{H}}$ Joc 3 day of 60 ORGANIZATION OR ADDRESS (Signature of Person Administering Dath) (Typed Name of Person Administering Oath) ORGANIZATION OR ADDRESS (Authority To Administer Oaths) INITIALS OF PERSON MAKING STATEMENT 676-PAGE Z OF Z PAGES 632 400

EXHIBITE SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS LOCATION FCP DATE Dechorse TIME FILE NUMBER 2003 0316 1500 LAST NAME, FIRST NAME MISDLE NAME SOCIAL SECURITY NUMBER GRADE/STATUS ORGANIZATION OB ADDRESS 12 1 __, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH πt. 5 tr-tel completing of chest peins, we kyed him ortside on a blanke and gave him another full buttle of water, our platooni medic took care of # The prisoner then stated he wanted prisoner He on a blacket Care tok give him a dairy Shake AA medic resting for about 30 min, prisoner #1 milk and walkel Back that evening, prisoner Complinal <u>z</u> . Cell. Later on the same symptoms of earlier. We brought Lis him outside again, laged him down, and gave him another better bb again of of extra pater. Unce the prisoner was resting, I b7C, the front of the FCP. about 30 work wes fild by the je fer . Z Echs medical facility Once 1. melic drive 001 the facility and staged back wint to 2 5. 10 min-tes later Humile after about 14 back the the FCP. Upon 911.021 al and did not have pulse, and < Lala Her drive in a harry with Un (0.16:6-1. Ť the Echo Medical Facility, the both Ļ4 1) The a range +s 13 bsck in a Humver to pick Up Gad flag. Can arrivel the medics determined the indeed Prisoner, C. Pon have a pulse, and evecuted prisoner # faility This concludes my Sworn Atelements FUD OF (tetement EXHIBIT INITIALS OF PERSON MAKEIG STATEMENT PAGE 1 OF AGES ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED__ __ CONTINUED. THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE NITIALED AS "PAGE ____ OF ____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM. DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED. USAPPC V2.00 6325

STATEMENT (Continued)		b(6), b(3)	—
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/ 61	AFFIDAVIT		
NTAINING THE STATEMENT. I HAVE MAD REAT OF PUNISHMENT, AND WITHOUT CO	AGE <u>2</u> . I FULLY UNDERSTA INITIALED ALL CORRECTIONS A	AD OR HAVE HAD READ TO ME THIS STAT ND THE CONTENTS OF THE ENTIRE STATE ND HAVE INITIALED THE BOTTOM OF EACH THOUT HOPE OF BENEFIT OR REWARD, WI E, OR UNLAWFUL INDUCEMENT.	MENT MADE H PAGE THOUT
NESSES:	Subscrit administer at	bed and sworn to before me, a person author r oaths, this <u>16th</u> day of <u>Aneroth</u> 1545	rized by law to
			166-7
GANIZATION OR ADDRESS		(Signature of Person Administering Oath)	
GANIZATION OR ADDRESS GANIZATION OR ADDRESS ALS OF PERSON MAKING STATEMENT	67C-4 66-4	(Signature of Person Administering Oath (Typed Name of Person Administering Oath (Authority To Administer Oaths)	

6326 DOD 002710

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EXHIBITE SWORN STATEMENT For use of this form, see AR 190-45; the propon nt agency is ODCSOPS LOCATION DATE TIME FILE NUMBER Camp U 2 mag 60 140 OKA arnorse 16 ΛX LAST NAME, FIRST NAME, MIDDLE NAME SECURITY NUMBER GRADE/STATUS 67C SANIZATION OR ADDRESS 76544 TO MAKE THE FOLLOWING STATEMENT UNDER DATH: WANT I had any deal as with The deta uestion 20 was The Jug03, at approxing ot alcoh The d was ÔL. 10 , apparently Ha ups Questiente Gave C e more wa 5 plash on ю Cos down. He was 07 30 m was Diory reason he was was Deeru Se 0 Mor $\exists \hat{a}$ and Morh. hog 0700 approximate al de 160 recked A Usel r on Seel pe a 2 weak jus! all overtreate lhe She EXO She, Stated Kl 105 OL al hol a user ous feve G A Næ KLIE bl 200 an CAN 2 aeta State 67C Storic NO and Patr meats an Wanted the U. US Two 57. 9 VILLES the worn a Two ala Gi and rok, m ate 1602) acta 433 DYAN Ol aga.1 .ce addreamed /N] he De OVE in Gates Te A In ~e Wate Gu 06 Turo NOS 0 ୧ଥାଁ SATIN iveter OUK Moni izer! Incu ie 20 Ma . untes 5524 way ADI ρU Othe 5 ands n.e had -12 NUS was a Cal Wes $\sim \leq$ -10 1hen went Dach Q. ALAKON 0 10 Comp っしろ dh. Q was 12 an TO WDO CM 12 EXHIBIT INITIALS OF PERSON MAKING STATEMENT PAGE 1 OF PÁGE ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF ____ TAKEN AT_ DATED CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE _OF_ STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM. DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED. li USAPPC V2.00 6327

STATEMENT (Continued) 4 100 50 CĊ. W. Th awone Tegues Tr aeta K.P hee was Vou at Ter TB a 18 A a 1100 5e RR was NO lhen 1 aci KIC ret rise of Garre altess orin 2001 Te 80 (dro) z mate ar 1ec Once askig Ma $l\lambda$ Ċ END OF STATEME eti ey AFFIDAVIT 1 , 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 (Signature of Person Making Statement) Subscribed and sworn to before me, a person authorized by law to WITNESSES: administer oaths, this _ 15 day of Ane ∞ 1500 ORGANIZATION OR ADDRESS (Signature of Person(Agmmistering Oath) (Typed Name of Person Administering Oath) ORGANIZATION OR ADDRESS (Authority To Administer Oaths) INITIALS OF PERSON MAKING STATEMENT 66-4 PAGE 🟒 OF Z PAGES 6328 676-1 ACLU-RDI 969 p.47

EXHIBIT G SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS LOCATION DATE TIME LAMD Wowhorse FILE NUMBER 10 Aug 03 1115 LAST NAME, FIRST NAME, MIDDLE NAME SOCIAL SECURITY NUMBER GRADE/STATUS ORGANIZATION OR , WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: an Iraqi detainer litter patient. When the patient arrived he was not breathing and had no pulse. The Drs began working on his airway putting an ET tube while bagged the Patient. began chust compressions while MUSELF and another medic began TU access. Was hooked up to the propark Datient reading no pulse and No heart inas. Which turned on The defib and charged rythan shocking The patient, in between h6 braan CDR The continuid and 70pushed Attopene and Drs Epinephrine At This began chest compressions and Time Some one brought over The Digan bagging. Ditrasound Machine and The Drs. Looked for heart rightment. There any 5KhS ОF Still Was NONZ present TOOK over Defib and Shours Still no heart beat . At this, bigan her took over Defin Ame Compressions. 12 gas did on axilla HEMP 104 And continued using defib Centinuea Compressions while and It had been a baut 20 ruin time bassed. At Mis The Dr's checked again Still no pulse present and The patient was not broathing on his own. The сf was called at Diath 1719 did a rectal EXHIBIT INITIALS OF PERSON MAKING STATEMENT PAGE 1 OF Z PAGES ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE_____OF____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM. DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED PPC V2.00 63.

STATEMENT (Continued) which 102'. was temp 12 nothing further AFFIDAVIT 1, ., HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 1 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 COERDION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT. 6¹⁰ (Signature of Person Making Statement) WITNESSES: Subscribed and sworn to before me, a person authorized by law to administer oaths, this 164 day of 12203 1230 ORGANIZATION OR ADDRESS (Signature of Person Administering Oath) yped Name of Person Administering Oatr ORGANIZATION OR ADDRESS (Authority To Administer Oaths) INITIALS OF PERSON MAKING STATEMENT PAGE 2 OF 2 -U2.00

SHIBIT 4 SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS LOCATION DATE TIME FILE NUMBER Camp Warhorse Prace 16 Ango 3 1204 LAST NAME, FIRST NAME, MIDDLE NAME SOCIAL SECURITY NUMBER GRADE/STATUS 66-4 ORGANIZATION OR ADDRESS 610-, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: On 13 Aug 03, while working in the aid station, I was informed that a detaince at the EPW actention center was discovered unconscious and not breathing. Shortly thereafter, he arrived in the aid station. I received a report that he had "passed out" and found to be without a pulse or spontaneour. respirations, so CPR had been in progress before the amount On and val at the ord station, the particul war aprecis and pulseless the Was immediately placed an monitors, IV's established, CPR contrared and In tubated. When he was found to be in pulseless V-tack he defibrillated in the usurt manner and medications were administered (En rephine atropine, lidocaine, blearbonate). CPR was continued throughout the code resusitation. Two cardinac ultrasounds revealed no cardiac motion. The potient arrived at 1700. At 1719 he had no pulse, no spontaneous Tispirations, no cardiac writin on ultrasound and an agond shythm. He was pronounced dead. Further details may be found in the SF600. As the battalion surgeon for E/204 FSB I purticipate in the daily medical care of the detainces. My couragnes and I wisit the depention center every morning. We medically screen all new debainces and medically evaluate all detainers rejusting medical care. Patients are treated within at the detention tacility or transported to the aid station, as appropriate. We are available on a 24 hour busis for detadues medical care INITIALS OF PERSON MAKING STAT EXHIBIT 2 PAGE 1 OF PAGES ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF TAKEN AT _ DATED_ CONTINUED.

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE _____ OF _____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM.

DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED.

17 STATEMENT (Continued) I bedieve conditions at the defention center are medically adequate. Food and water is provided in a sufficient amount. Medical care is timely and appropriate. Every possible effort is made to keep the detainees from becoming a heat "casually. The only recommendation that I would make from . Medical Standpoint, would be to install fans or another cooling device at the detention eenter. - NENDOF STATEMENT' AFFIDAVIT , HAVE READ OR HAVE HAD READ TO METHIS 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 (Signature of Person Making Statement) WITNESSES: Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10 day of Anens 192003 ORGANIZATION OR ADDRESS (Signature of Person Administering Oath) (Typed Name of Person Administering Oath) ORGANIZATION OR ADDRESS (Authority To Administer Oaths) INITIALS OF PERSON MAKING STATEMENT PAGE 2 OF Z PAGES 66-4 USAPPC V2.00 6332 ACLU-RDI 969 p.51 170-

DOD 002716

EXHIBITI SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS LOCATION DATE TIME FILE NUMBER 16HugO31100 LAST NAME, FIRST NAME, MIDDLE NAME SOCIAL SECURITY NUMBER GRADE/STATUS ORGANIZATION OR ADDRESS WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: 13 Augos at approx 1645, I was standing outside the (NG I Station whes pulled up in an mp riche with another poldier, he nan to me and could send the Ambulance chew over to detainer. they had a guy down. Camp Rou lean from Ambalance Alt to go over · came inside the aid station to inform th run. Of the situation. Approve to-7 mins later auctor D ho Crew LUD an-Sarying bien dawn tor approv. 5 min anddoing CPR when they arrived on site . I inero Rushed the gran in and proceeded to assess it exposed his chest usto begin CPR. J began Chest compres WJ LOID up to begin breathing And Set After we bran CPR, Syelled for comocine get to we Some more modies we needed more help. I DRO medico in and started to help. They started IV'S push andias meds. encs proverse I Rotated out from pure work Inter Positions to be replaced by other soldiers medics evenune working. The patient had Kert ber three With ogression unprovement EXHIBIT INITIALS OF PERSON MAKING STATEMENT PAGE 1 OF PAGES ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _ _TAKEN AT_ _ DATED_ CONTINUED THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE___ ___OF_____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM. DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED. USAPPC V2.00

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STATEMENT (Continued) ted and had received several lifesavi xs and interventions. When some one of no it was noticed that his At that time. what they were doing while he and spontaneous broathing. i the asked for the time, I rea death I he called the patients time to clean up and cover the ationt This concludes my statement -Nothing follows AFFIDAVIT , HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 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. 66 b7C (Signature of Person Making Statement) 6764 WITNESSES: Subscribed and sworn to before me, a person authorized by law to administer oaths, this 15m day of An 66-J ORGANIZATION OR ADDRESS (Signature of Person Administering Oath) (Typed Name of Person Administering Oath) ORGANIZATION OR ADDRESS (Authority To Administer Oaths) INITIALS OF PERSON MAKING STATEMENT 2 OF 2 PAGES PAGE 6334 ACLU-RDI 969 p.53

DOD 002718

EXHIBIT J SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS LOCATION DATE TIME FILE NUMBER CAMP WARHORSF. 16 AUG 173 1040 Hrs *3*.-LAST NAME, FIRST NAME, MIDDLE NAME SOCIAL SECURITY NUMBER GRADE/STATU ORGANIZATION OR ADDRESS WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH Dir Wednicsday, Hvg 03 to cover ambulance I was called duty for a missing soulder at which poin was intorned Tinez center -UB G head over PICK D with no bulse by My platoon and weapon and put on My DCU, jacket and headed of My. Kevlar "Ambulance" which was first-up, an M997 cargo Humuce were already init and Who haven The ride to the detainer center toold approxima in the back. one minute. I got out of the track and headed to- the detainer cells. 676-4 Iready There. assumed was a Place is tamiliar his had already done an assessment because she asked me patient on a littler that was already there. Some MPs ar Some tainco were there and assisted is with H arabbee one side of the litter and we all headed out toward t drove there and did not get out of The vehic the vehicle with the patient Dacyca 7:0M (Bag-Valve-mask) apparatus under Instruction В Ц him opproximately remember givina he Bogging ard (Case aid station. Ne to ine got tore rush him into the aid-station patient and he nelbed NDUO EXHIBIT INITIALS OF PERSON MAKING STATEMENT PAGE 1 OF ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF TAKEN AT_ _ DATED_ _ CONTINUED." THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED AS "PAGE_ __OF___ ____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM. DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED. USAPPC V2.00

6335

STATEMENT (Continued) where we placed him on the litter-stands that were set-up and ready to receive him. Till this point it was still I, and There were enough medics in the aid-station so I left and went back to the Humvee vehicle to pick-up my weapon. I was not for ther involved in the care of this patient. Nothing further AFFIDAVIT HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ET 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. 36-4 Signature of Person Making Statement) WITNESSES: Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16th day of _ b6⁻ ORGANIZATION OR ADDRESS (Signature or Person Administering (Typed Name of Person Administeri ORGANIZATION OR ADDRESS FCO 204 FSB (Authority To Administer Oaths) INITIALS OF PERSON MAKING STATEMENT PAGE 2 OF 2 E ACLU-RDI 969 p.55

EXHIBITK SWORN STATEMENT For use of this form, see AR 190-45; the proponent agency is ODCSOPS LOCATION * <u>?</u> DATE TIME /FOB Warhorse Iraq Eco med FILE NUMBER 14 Aug 03/ 1100 LAST NAME, FIRST NAME, MIDDLE NAME SOCIAL SECURITY NUMBER GRADE/STATUS ORGANIZATION OR ADDRESS , WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: On all about the 13th of Aug. &3, I was sitting out side of once of the sleep tents trying to stay out of the suns. came by and said told us someone needed to go pick up a Iraqi detaince at the detention center I to Brab his gear and we'll go. I ran out to the non-standard evac vehicle, threw a litter in the back & hopped in the drivers sent. I ask me if I wanted her to come along. I said o.k. and she jumped in the passenger seat. jumped in the back and we left while enrout told me that one of the m.P.'s, who came t get us, said the patient hed no pulse. and myself deciede that her and would go check out the patient while I preposition the vehicle 66-4 out and saw that the I parked the vehicle I stapped , and others had placed the patient one a littler and were carring him to the vehicle. Told me he had no pulse while 676-4 we loaded him on the vehicle we jumped in the vehicle and headed towards Eco med. I had I start ventalations with the BVm (bag value mask). Once we arrived at Eco Med, the three of us dismounted and carried the patient inside th Aid Station. Inside the aid station a litter stand had already been cleared and were standing by. Started CPT while I provided respirations, with the BVM. IIntabated the patient, several medics held ed start two I.V.'s. The patient had a shockable heart rythm and recieved several shocks from the defibulator. The doctors pushed a couple of cardiac derugs and monitors the effectiveness of the CPR After 12-15 minutes, the doctors called the code and time of death. After wands I left the aid st EXHIBIT INITIALS OF PERSON MAKING STATEMENT PAGE 1 OF PAGES ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _ THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT AND BE INITIALED ___ TAKEN AT _____ DATED__ AS "PAGE_____OF____ PAGES." WHEN ADDITIONAL PAGES ARE UTILIZED, THE BACK OF PAGE 1 WILL BE LINED OUT, AND THE STATEMENT WILL BE CONCLUDED ON THE REVERSE SIDE OF ANOTHER COPY OF THIS FORM. DA FORM 2823, JUL 72 SUPERSEDES DA FORM 2823, 1 JAN 68, WHICH WILL BE USED. E., USAPPC V2.00 **63**37

to check that the	evac. vehicle was refitted
	Evac. Vehicle was refitted for I then returned to the rest area This concludes my statement.
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