

DEPARTMENT OF THE ARMY  
3D SQUADRON, 3D ARMORED CAVALRY REGIMENT  
FORT CARSON, COLORADO 80913

AFZ-R-K-CO

21 July 2003

MEMORANDUM FOR: Commander, 3d Armored Cavalry Regiment, Rifles Base, Iraq

THRU: Commander, 3d Squadron, 3d Armored Cavalry Regiment, FOB Eden, Iraq

SUBJECT: Investigation of the allegations of misconduct against (CPT) [REDACTED] b(6)-5 exp 6  
[REDACTED], Commander [REDACTED] b(6)-5. Currently (CPT) [REDACTED] b(6)-5  
[REDACTED] is at Rifles Base, and is suspended from troop command.

1. Background:

- a. (CPT) [REDACTED] b(6)-5 has been the commander of [REDACTED] for over twelve months. He deployed with [REDACTED] with the Regiment in support of Operation Iraqi Freedom. (CPT) [REDACTED] b(6)-5 has been deployed to the western part of 3d Squadron's area of operations for the past 60 days. (CPT) [REDACTED] b(6)-5 troop has been operating independently, but a majority of their missions have been platoon-sized missions such as presence patrols and traffic control missions. However, [REDACTED] b(6)-5 has been operating from a forward operating base that includes another troop, the Squadron's Executive Officer, and frequent visits by the Squadron Commander.
- b. Between 9 and 16 July, [REDACTED] b(6)-5 conducted a series of missions and reacted to an improvised explosive device (IED) strike that included the inappropriate treatment of detainees. This inappropriate treatment included both physical and verbal actions taken towards detainees that were either already secured or actually already in a detainment facility. The primary events under investigation are detailed below.
- c. *11 Iraqis and blue Kamaz Trucks detained (on or about 5 July).* On approximately 5 July, (CPT) [REDACTED] b(6)-5 and his maintenance team detain between 11-9 people and their vehicles. (SSG) [REDACTED] b(6)-2 (maintenance team chief, (SSG) [REDACTED] b(6)-2) apparently hits one of the detainees that are already cuffed (exhibits I-IV). It is not known if (CPT) [REDACTED] b(6)-5 used force against a detainee during this incident. On 9 July both (SSG) [REDACTED] b(6)-2 and (CPT) [REDACTED] b(6)-2 see their troop medic (SGT) [REDACTED] b(6)-2 about both of them having hurt hands. According to (SGT) [REDACTED] b(6)-2, these hand injuries are likely the result of some type of boxing or hitting. Moreover, at the time of his visit to the medic, (SSG) [REDACTED] b(6)-2 claimed that his hand injury was the result of a fall on the way to the latrine (exhibits II-IV). However, in a second questioning SSG admits that the hand injury was the result of hitting a detainee; he admits that he lied to the medic. (exhibit II).
- d. *IED incident (11/12 July).* A wheeled vehicle from 4<sup>th</sup> Platoon, [REDACTED] b(6)-5 was struck by an IED on the evening of 11 July 2003. A portion of the troop was dispatched to provide area security at the site of the IED strike; the troop's maintenance section was tasked to provide recovery support. In the process of securing the site, a driver and occupant of an Iraqi fire truck that was in the area was detained for failing to turn off

their vehicle headlights. These two detainees were cuffed (zip strip) and secured facedown on the ground near the troop's on-site C2 element. According to statements (exhibits V-XV) at no point did the detainees offer any type of resistance other than failing to turn their headlights off promptly when they entered the area. However, multiple soldiers report (exhibits V-XV) (CPT) [redacted] physically kicking and applying b(6)-5 pressure with his boot to the head and neck of one of the detainees; the detainees were cuffed and not resisting during this process. Moreover, soldiers report (exhibits V-XV) (CPT) [redacted] holding a pistol to the head of one of the detainees and threatening to kill ("I am going to kill you mother fucker") the detainees. After attempting to extract information from the two detainees they were released that evening.

- b(6)-5
- e. *Welder Incident (13 July)*. Two days after the IED strike, it appears that (CPT) [redacted] b(6)-5 personally focused his actions on trying to find information that could lead to who was involved with the IED strike. (CPT) [redacted] and his maintenance section went to Ar Rutba and falsely led a local welder to believe that he was needed at L Troop's base camp to make some repairs. The welder was taken outside the city and then cuffed and blindfolded (exhibits XVI-XX). CPT [redacted] b(6)-5 drove the welder out into the desert and proceeded to forcefully interrogate him. He had the welder dig a pit; he led the man to believe that he was digging his own grave. Moreover, he had his soldiers stage an attempt to shoot this man; in this mock interruption of a shooting shots were actually fired by CPT [redacted] b(6)-5 maintenance soldiers. CPT [redacted] b(6)-5 verbally threatened to kill the man if he would not provide him with information about violence against coalition forces (exhibits XVI-XX).
- f. *White Nissan incident (13 July)*. In conjunction with the threatening of the welder, a white Nissan that was in the area was apprehended. Eight people were detained in this incident. The driver of the Nissan was separated from the remaining 7 detainees. CPT [redacted] b(6)-5 kicked this driver, and using a captured pistol he fired a round in the vicinity of the driver to scare the remaining seven detainees as to the fate of the driver (exhibits XVI-XX). CPT [redacted] b(6)-5 had the remaining seven detainees released, and proceeded to threaten the Nissan driver and welder (same location) with the notion that he will give the loaded pistol (captured) to the two men to "sort it out" (exhibits XVI-XX). Eventually CPT [redacted] b(6)-5 releases the welder and keeps the Nissan driver for at least 24 hours. He uses the Nissan driver to obtain the location of another man's home. CPT [redacted] b(6)-5 and his maintenance team go to a man's home and make similar threats to kill this man (in front of the man's family) if he does not also provide information (exhibits XVI-XX).
- g. *Jail incident date cannot be confirmed*. At some point between 5 and 14 July CPT [redacted] b(6)-5, b(6)-2 and (SSG) [redacted] b(6)-2 go to the Ar Rutba Police Station and attempt to interrogate three men that are detained there. In this incident, at a minimum, CPT [redacted] b(6)-5 and (SSG) [redacted] b(6)-2 hit at least one detainee at least two times. Potentially all three detainees were hit by both (SSG) [redacted] b(6)-2 and CPT [redacted] b(6)-5. Exhibits (XVI, XXI, and XX) illustrate that when at least one detainee left the interrogation he was severely beaten in the facial area. Moreover, these exhibits report that both (SSG) [redacted] b(6)-5 and CPT [redacted] b(6)-2 bragged about hurting their hands in this incident.

2. Essential facts to consider:

- a. CPT [REDACTED] consistently uses a baseball ball and his pistol when dealing with both detainees and engaging with the police leadership in Ar Rutbah (exhibits XXIII, XXIV). It is potentially common for CPT [REDACTED] to hold a pistol to the head of detainees as he questions them. b(6)-5
- b(6)-2 b. (SSG) [REDACTED] only admits to hitting one detainee two times in one event (Jail incident). However, exhibit I illustrates at least one other time that [REDACTED] has hit a detainee that is already secured. b(6)-2, b(6)-5
- b(6)-5 c. CPT [REDACTED] and (SSG) [REDACTED] both have pressured soldiers to agree with their actions following the described events. (i.e. exhibit XX). b(6)-2
- b(6)-5 d. CPT [REDACTED] and (SSG) [REDACTED] had instructed their soldiers the "have their stories straight" once they realized they were under investigation (exhibit I and interviews with soldiers in L Troop).
- b(6)-5 e. CPT [REDACTED] climate of command was one that was very controlling. He held most all decisions and information to himself; even information such as where a platoon was going and what their task was going to be was routinely withheld until the last moment (exhibit XXIV and interviews with platoon leaders and platoon sergeants). b(6)-5
- b(6)-5 CPT [REDACTED] berated his platoon leaders and platoon sergeants excessively, even in front of the junior soldiers. Moreover, CPT [REDACTED] routinely would threaten the troop's leadership with their NCOERs and OERs.
- f. Currently some portion of the Troop's NCO channel does not appear to be functioning properly; this is primarily occurring in the maintenance section. Vehicles and barracks have Iraqi weapons, ammunition, and TA50 in them. This equipment could pose a risk to soldiers and could also have intelligence value.

3. Findings:

- a. On more than one occasion CPT [REDACTED] has used unnecessary and excessive force in dealing with restrained and secured detainees. Moreover, CPT [REDACTED] has on several occasions used physical and verbal threats to influence people in Ar Rutbah and the actions of detainees. b(6)-5
- b(6)-2 b. (SSG) [REDACTED] has used excessive force on at least one occasion in relation to a secured detainee. b(6)-5 b(6)-2
- c. CPT [REDACTED] and (SSG) [REDACTED] have both coerced or intimidated subordinates to prevent subordinates from objecting to or testifying about the use of force in relation to detainees. As a result, some soldiers do not feel secure in providing statements in support of these incidents. b(6)-5
- d. There is a potential that other soldiers in [REDACTED] have also used unnecessary or excessive force with detainees. Some soldiers questioned have alluded to this, but have invoked their rights in lieu of providing names (exhibit IV and XXV).
- e. The actions of [REDACTED] have reduced the ability of [REDACTED] to be effective in conducting security and cooperation activities in the Ar Rutbah region in the near term. The leadership in Ar Rutbah has been degraded and threatened by CPT [REDACTED]. b(6)-5
- f. The living areas and vehicles of [REDACTED] on initial visual inspection, have weapons, ordnance, and TA50 related items in them that have been potentially confiscated

during detainee security operations. This equipment poses a risk to soldiers and could have intelligence value.

- g. Most significant is that CPT [redacted] <sup>b(6)-5</sup> climate of command has reduced the authority of the officers and NCOs in [redacted] <sup>b(6)-5</sup>. The First Sergeant's ability to impact the Troop's functions and standards was even potentially reduced. It has also, potentially, reduced the initiative of the junior soldiers, and impacted the values and judgment of some of the junior soldiers and NCOs in [redacted] <sup>b(6)-5</sup> this exists primarily in the HQ and maintenance platoon.
- h. The four line platoons have been largely kept out of (potentially intentionally) most of the activities that deal with the unnecessary use of force with detainees. As a result, the four line platoons have been exposed to less and are still functioning well; their soldier's values appear to not have been impacted, and these platoons are cohesive and combat capable.

4. Recommendations: <sup>b(5)-1</sup>

a. [redacted] that he has fostered a command climate that: does not support ensuring the best interest of the soldiers; does not support the adequate development of the troop's officers and NCOs; does not endorse and support the authority of the subordinate leaders in [redacted]; and that includes potential coercion and the unnecessary use of force against detainees and the local population here in Iraq.

b. CPT [redacted] <sup>b(6)-5 + b(5)-1</sup> However, in the interest of rapidly getting this unit functioning and re-focused on mission requirements, I encourage the chain of command to consider the impacts.

c. SSG [redacted] <sup>b(5)-1 + b(6)-2</sup> poor judgment in the use of force in relation to detainees, and that he misused his authority in the treatment of his subordinates.

d. SSG [redacted] <sup>b(5)-1 + b(5)-2</sup> best determine if actually SSG [redacted] is guilty of unnecessary use of force against detainees and coercion or intimidation of subordinates. Moreover, this investigation could better determine if and what the level of involvement was from other soldiers and NCOs in the maintenance platoon. However, based on the nature of CPT [redacted] command, I would recommend [redacted] <sup>b(6)-5 + b(6)-2 + b(5)-1</sup>

e. First Sergeant [redacted] <sup>b(6)-5 + b(6)-2 + b(5)-1</sup>

f. [redacted]

g. [redacted]

ex 6

5. POC for this investigation is the undersigned at DNVT 539-5303.

 (6)-2

MAJ, AR  
Investigating Officer

**Attachments:**

**Enclosure 1: Appointment Orders as a 15-6 Investigation Officer**

**Enclosure 2: Exhibits I-XXV**