Made By: ABC

Army Sworn Statement  Address

Army Sworn Statement

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# Army Sworn Statement

A sworn declaration is a document that recites facts pertinent to a legal proceeding. It is very similar to an affidavit, but unlike an affidavit, it is not witnessed and sealedby an official such as a notary public. Instead, the person making the declaration signs a separate endorsement paragraph at the end of the document, stating that the declaration is made under penalty of perjury.

In legal proceedings, generally, facts that rely upon an individual's memory or knowledge are most reliably proven by having the person give testimony in court: he appears in person before a judge, at a time and place known to other interested persons, swears that his testimony will be true, states his testimony so that all can hear it, and can be cross-examined by opposing parties. Generally, the written record of his testimony is taken down in written form by an official of the court, the court reporter.

Such a procedure, although maximizing fairness and the likelihood of obtaining the truth, is expensive, troublesome, and time-consuming. Therefore, in many instances, especially in preliminary or uncontested proceedings, a court will allow testimonial evidence to be given in a document filed with the clerk of court. Traditionally, this has required an affidavit: the person must put his testimony into written form and then sign the document in front of an official, such as a notary public or clerk, swearing to the official that the contents of the document are true. The official then endorses the document and generally stamps it with an official seal. Such an affidavit has several advantages over simple signed testimony:

* The person giving the testimony is subject to penalties if he has lied, usually the felony of perjury
* The official is able to see the person, giving some assurance that the person is not suffering under a disqualifying disability
* The official is able to witness the signing of the document and check proof of the affiant's identity, helping to prevent some forms of outright fraud.

In recent years, however, to provide for even greater economy of time and money, courts have increasingly allowed persons to omit the step of swearing before a notary public or official. Instead, the affiant puts a separate paragraph at the end of the document, such as the following (for United States federal courts):

# Taking Testimony or Statements

If a board is formal, or if the appointing authority has directed a verbatim record, witnesses’ statements will be elicited by questions and answers. However, narrative testimony may be used.

In informal proceedings, statements of witnesses may be obtained at informal sessions in which they first relate their knowledge and then summarize those statements in writing. A tape recorder may be used to facilitate later preparation of written statements, but the witness will be informed if one is used.

Whether the witness swears to the statement is within the discretion of the investigating officer or president. If the statement is to be sworn, use of DA Form 2823 (Sworn Statement) is recommended.

Whether the proceeding is formal or informal, to save time and resources, witnesses may be asked to confirm written sworn or unsworn statements that have first been made exhibits. The witnesses remain subject to questioning on the substance of such statements.

Although the direct testimony of witnesses is preferable, the investigating officer or board may use any previous statements of a witness as evidence on factual issues, whether or not the following conditions exist:

* Proceedings are formal or informal.
* Witness is determined to be unavailable.
* Witness testifies.
* Prior statements were sworn or unsworn.
* Prior statements were oral or written.
* Prior statements were taken during the course of the investigation.

# Discussion of Evidence

An investigating officer or board may direct witnesses who are subject to Army authority, and request other witnesses, not to discuss their statements or testimony with other witnesses or with persons who have no official interest in the proceedings until the investigation is complete. This precaution is appropriate to eliminate possible influence on the testimony of witnesses still to be heard. Witnesses may not be precluded from discussing any relevant matter with the recorder, a respondent, or counsel for a respondent.

# Privacy Act Statements

A Privacy Act statement (AR 340–21) will be provided to a witness if the report of proceedings will be filed in a system of records from which it can be retrieved by reference to the name or other personal identifier of that witness. Unless otherwise informed by the appointing authority, an investigating officer or board may presume that the report of proceedings will be retrievable by the name of each person designated as a respondent, but that the report will not be retrievable by the name of any other witness. If any question arises as to the need for a Privacy Act statement, the investigating officer or board will consult the legal advisor, if any, or the servicing JA.

# Method of Providing Statement

Provides guidance for preparing Privacy Act statements. The statement may be written or oral, but it must be provided before taking the witness’s testimony or statement. A written statement will be attached to the report of proceedings as an enclosure. An oral statement will be noted in the report either as part of a verbatim transcript or as an enclosure, in the form of a certificate by the officer who provided the Privacy Act statement.

# Copy of the Statement

Anyone to whom this requirement applies is entitled to a copy of the Privacy Act statement in a form suitable for retention. Providing a respondent a copy of the part of the report of proceedings that includes the statement satisfies this requirement. Any other witness who is provided a Privacy Act statement will, on request, be furnished a copy of the statement in a form suitable for retention.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| SWORN STATEMENT | | | | | | |
| PRIVACY ACT STATEMENT  Title 11 | | | | | | |
| AUTHORITY: PRINCIPAL PURPOSE: | To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents. | | | | | |
| ROUTINE USES: | Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions. | | | | | |
| DISCLOSURE: | Disclosure of your SSN and other information is voluntary. | | | | | |
| LOCATION Camp Liberty |  | | DATE (YYYYMMDD) | TIME | | FILE NUMBER |
| LAST NAME, FIRST NAME, MIDDLE NAME |  | | SSN  000-00-0000 | GRADE/STATUS | |  |
|  | | | | | | |
| Organization or Address  224 MI BN, APO 153 Pad 3, WCVBNM, Camp Liberty | | | | | | |
|  | | | | | | |
| On June 6th 2005, while on the Black Bear Convoy Security Team in XYZ, my convoy was hit with an IED and small arms fire while escorting elements of Iraqi police graduates numbering 605 and 579 respectively from Camp Fiji to the Bus Station. Upon Impact/explosion of the IED my head struck the right side passenger window causing head pain and an initial headache. After securing the area, reporting casualties the convoy returned to a safe location. I was assessed by my team leader IL T William Steal. 1 LT sent me to the CASH were I was examined and treated with mild head trauma.  Since returning from deployment I have seen my physician for constant headaches and neck pain. Notes from my physician are attached. | | | | | | |
|  | | | | | | |
| Statement Of | Write Name Here | taken at camp keyes | | | DATED 2011/05/1 | |
|  | | | | | | |
| Statement (Continued) | | | | | | |

|  |  |  |  |
| --- | --- | --- | --- |
| AFFIDAVIT | | | |
|  | | Have read or have had read to me this statement  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 |
| Witnesses 1 |  | |  |
| (Signature of Person Administering Oath) |
| Witnesses 2 |  | |  |
| (Typed Name of Person Administering Oath) |
|  | | |  |
| (Authority To Administer Oaths) |
| Initials Of Person Making Statement | | |