



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
BRAVO COMPANY, 2nd BATTALION, 12TH CAVALRY
CAMP LIBERTY UNIT# 43317, APO AE 09344

23 July 2007

AFVA-BCX-B CO

MEMORANDUM THRU

Commander, 2nd Battalion, 12th Cavalry Regiment, 2nd Brigade Combat Team, 1st Infantry Division, Camp Liberty Iraq, APO AE 09344

Commander, 2nd Brigade Combat Team, 1st Infantry Division, Camp Liberty Iraq, APO AE 09344

FOR Commander, 1st Cavalry Division, Camp Liberty Iraq, APO AE 09344

SUBJECT: Investigation Regarding the Escalation of Force Incident Involving SCT/IIHC/2-12 CAV
Resulting in the Death of Four Local Nationals

1. On or about 1500 17 July 2007 the Scout Platoon, Headquarters and Headquarters Company, 2-12 CAV, had an escalation of force (EOF) incident VIC grid (b)(2)High while securing a battle damaged 89th MP Company M1114 awaiting recovery assets. Four local nationals lost their lives as a result of the EOF incident.

2. Facts:

Non-Responsive

Non-Responsive, (b)(2)High

h. At approximately 1500, PFC(3), (b)(spotted a Black BMW around (b)(2)High west of (b)(2)High ; position moving toward (b)(2)High location at a high rate of speed. PFC(3), (b)(immediately alerted 1LT(3), (b)and PFC(3), (b)(of the approaching threat. (Exhibits A and D)

i. When the Black BMW was (b)(2)High away, PFC(3), (b)(began to use graduated measures of force to attempt to stop or divert the vehicle. PFC(3), (b)(initially used verbal and hand-arm signals for (2)Hi seconds leaning up and forward out of the turret to be seen better. The vehicle still continued towards (b)(2)High At (2) Hi meters PFC (b)(3), (b)(6), (b)(2) High compartment of the vehicle for 2-3 seconds. The vehicle still failed to stop or divert. PFC(3), (b)(with (b)(2)High windshield center mass but failed to cause a change in direction or speed. As the vehicle passed the 200 meter mark, PFC(3), (b)(fired a warning shot consisting of a 3-5 round burst of (b)(2)High in front of the speeding car. The BMW still did not change speed or direction. At approximately (b)(2)High meters away from (b)(2)High the vehicle passed the final side street leading away from (b)(2)High and (b)(2)High Immediately past the intersection, placed on the side of the road, was a small pile of bricks PFC (3), (b)((b)(2)High As the vehicle past it without any visible change to its speed or direction, PFC(3), (b)(directly engaged the car with burst from the (b)(2)High Once the vehicle stopped moving and was clearly disabled, 1LT(3), (b)(called for a general cease fire. (Exhibits A, B, and D)

j. Immediately following the cease fire the vehicle caught fire and began to burn. Throughout the fire, ammunition could be heard cooking off from inside the passenger compartment. On request from the 1A, Iraqi Fire Department assets arrived and extinguished the fire. A search of the burned out vehicle revealed the remains one adult male, one adult female, and two children. The bodies were recovered and transported to Kadamiyah Hospital. (Exhibits A and D)

k. Following the completion of the post blast analysis of the EFP strike and vehicle recovery all Coalition Force elements, including, SCT/IIHC/2-12 CAV, returned to FOB Liberty. (Exhibits A, B, and D)

AFVA-BCX-B CO

SUBJECT: Continuation of the Investigation Regarding the EOF Incident Involving SCT/HHC/2-12 CAV Resulting in the Death of Four Local Nationals

3. Findings:

a. PFC(3), (b)(used gradual measures of force appropriately when dealing with the perceived threat. He made every attempt to get the vehicle to stop or divert. PFC(3), (b)(waited until the vehicle had (b)(2)High (b)(2)High position before engaging. PFC(3), (b)(had every right to feel threatened and to engage the perceived threat. (Exhibits A, C, and E)

b. On 17 July 2007 SCT/HHC/2-12 CAV had witnessed a sharp increase in enemy activity throughout the day. They had taken small arms fire (SAF) from and engaged a blue mini van, witnessed the aftermath of the IED strike, and had been engaged by SAF a second time while securing the IED site. All of these factors caused the soldiers of SCT/HHC/2-12 CAV to be more vigilant while pulling security and be at a higher level of alertness. (Exhibits A, B, C, and F)

c. Due to the extended period of time spent static at a known enemy location (approximately two hours) the soldiers of SCT/HHC/2-12 CAV recognized they were under an increased threat level for more SAF and vehicle borne improvised explosive (VBIED) attacks. (Exhibits A and B)

d. These facts caused PFC(3), (b)(to feel very threatened by a vehicle that refused to follow any directions and continued to approach his location at a high rate of speed. (Exhibit A)

e. PFC(3), (b)(executed graduated measures of force to standard as detailed by paragraph (2) section (B) by the MNC-I-ROE-CARD. (Exhibit E and F)

f. Hand-arm signals may not have been seen at the distance that PFC(3), (b)(used them. The driver of the vehicle had to have seen (b)(2)High It is also possible that the driver would not have seen the (b)(2)High grounds hitting in front of the vehicle if (b)(2)High on the windshield obstructed the driver's view. In that case the driver still would have heard the warning shots being fired. Between the (b)(2)High the driver should have known to stop or divert away from the stopped coalition vehicles. (Exhibits A and D)

g. The (b)(2)High PFC(3), (b)(selected could have been closer, but taking in to account terrain and enemy activity for the day it was reasonable. It was easy to recognize, located (b)(2)High away, and it was past the last turn off of (b)(2)High before reaching (b)(2)High security position. (Exhibits A and D)

h. For unknown reasons none of the escalation of force measures used by PFC(3), (b)(stopped or diverted the driver of the vehicle from their path towards (b)(2)High Because of this the use of deadly force was an unpreventable and was the appropriate response to the driver's actions.

i. PFC(3), (b)(should not have selected the trigger line for (b)(2)High His TC, SGT(b)(3), (b)(6) should have designated a trigger line before he dismounted. SGT(b)(3), (b)(6) could have designated a trigger line that was not as far from (b)(2)High position, giving the perceived threat more time to react before being engaged.

4. Recommendations:

(b)(2)High

AFVA-BCX-B CO

SUBJECT: Continuation of the Investigation Regarding the EOF Incident Involving SCT/HHC/2-12 CAV
Resulting in the Death of Four Local Nationals

(b)(2)High

5. Summary

On 17 July 2007 approximately 1500 Scout Platoon, Higher Headquarters truck (b)(2)High engaged and destroyed one Black BMW at 0800 (b)(2)High resulting in the deaths of four local nationals. The vehicle was traveling east on (b)(2)High toward (b)(2)High position on Ghazaliah Main. (b)(2)High gunner PFC(3), (b)(2)High took all the appropriate actions to try and stop or divert the vehicle from its path. For unknown reasons none of the actions taken by PFC(3), (b)(2)High to stop or divert the vehicle were effective. The death of the four local nationals was a direct result of the driver's lack of responsiveness to the escalation of force measures being taken by PFC(3), (b)(2)High

6. Evidence

Sworn Statements of 1LT(3), (b)(2)High (SFC (b)(3), (b)(6) SGT(b)(3), (b)(6) PFC(3), (b)(2)High and PFC (3), (b)(2)High (Exhibit A), 17 July 07 IED Strike Story Board (Exhibit B), 79th EOD Post Blast Report on 17 July 07 EFP Strike (Exhibit C), 17 July 07 EOF Story Board (Exhibit D), MNC-I-ROE Card (Exhibit E), HHC Commanders Inquiry on EOF Incident (Exhibit F).

7. The point of contact for this memorandum is the undersigned at (b)(2)High or (b)(3), (b)(6), (b)(2)High
(b)(2)High

(b)(3), (b)(6)

1LT, IN
Investigating Officer



DEPARTMENT OF THE ARMY
 HEADQUARTERS, 2ND BRIGADE COMBAT TEAM
 1ST INFANTRY DIVISION (MECHANIZED)
 CAMP LIBERTY, IRAQ
 APO AE 09344



REPLY TO
 ATTENTION OF:

AETV-BGS-CDR

MEMORANDUM FOR Commander, 1st Cavalry Division, Multi-National Division- Baghdad,
 APO AE 09344

SUBJECT: Recommendation for 15-6 Investigation

1. I have reviewed the enclosed investigation into the facts and circumstances surrounding an escalation of force incident involving HHC/ 2-12 CAV that occurred on 15 July 2007 and resulted in the deaths of four local nationals.

2. (concur) (do not concur) with the investigating officer's findings.

3. COMMENTS. Proper execution of force techniques were employed. LN DRIVER
failed to respond. (b)(2)High, (b)(5)

4. Point of contact for this memorandum is (b)(3), (b)(6) [@us.army.smil.mil](mailto:us.army.smil.mil).

(b)(3), (b)(6)

Encls

Commanding



DEPARTMENT OF THE ARMY
HEADQUARTERS 2ND BATTALION, 12TH CAVALRY REGIMENT
CAMP LIBERTY, IRAQ APO AE 09344

REPLY TO
ATTENTION OF

AFVA-BCX

18 JULY 2007
S: 25 JULY 2007

MEMORANDUM FOR 1LT (b)(3), (b)(6) I, B Co, 2-12 CAV, APO AE 09344

SUBJECT: AR 15-6 Investigation Officer Appointment Orders

1. You are hereby appointed as an investigating officer to conduct an investigation pursuant to AR 15-6, into the facts and circumstances surrounding the escalation of force (EOF) that resulted in four local national fatalities. You are to make specific findings and recommendations concerning the causes of the EOF, the force used during the EOF, and information you deem pertinent to the investigation. Until the investigation is complete, this will be your primary duty responsibility.
2. Your investigations and findings will include, but are not limited to, the following:
 - a. The exact time and place of the incident.
 - b. How exactly the incident occurred to include the events leading up to and concurrent with the incident?
 - c. Gather relevant Property Turn-In paperwork and inspect where the discrepancy led to the loss of the property.
 - d. Develop a Memorandum of Facts, Findings, Summary, and Recommendations to reduce loss of sensitive items from occurring in the future.
 - e. Any other matters you deem relevant.
3. You will use informal procedures under AR 15-6, chapter 4. If, during the 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(b) as documented on a DA Form 3881. Witness statements should be sworn and recorded on a DA Form 2823. Telephonic or email interviews may be summarized with a Memorandum for Record.
4. Prepare the report of proceedings on a DA Form 1574 and submit the original to MA, (b)(3), (b)(6) (b)(3), (b)(6) Office of the Staff Judge Advocate, by the above suspense. You are to complete a storyboard regarding the incident. You must submit any request for delay in writing. Include with your report all documentary evidence, sworn statements and other information or evidence you consider.
5. By virtue of your appointment, you may direct the assistance of personnel with special technical knowledge to assist or advise you during your investigation. Requests should be made through your legal advisor.
6. The POC for this memorandum is the undersigned, VOIP (b)(2)High

(b)(3), (b)(6)

LTC, AR
Commanding



DEPARTMENT OF THE ARMY
HEADQUARTERS, 2nd DAGGER BRIGADE, 1st INFANTRY DIVISION
OFFICE OF THE STAFF JUDGE ADVOCATE
CAMP LIBERTY, IRAQ
APO AE 09344

REPLY TO
ATTENTION OF:

AETV-BGS-JA

7 August 2007

MEMORANDUM FOR Commander, 2nd Dagger Brigade, 1st Infantry Division
(Mechanized), APO AE 09344

SUBJECT: Legal Review, AR 15-6 Investigation

1. In accordance with AR 15-6, paragraph 2-3, I have reviewed the enclosed investigation into the facts and circumstances surrounding an escalation of force incident involving HHC/ 2-12 CAV that occurred on 15 July 2007 and resulted in the deaths of four local nationals. I have made the following determinations:

- a. The proceedings comply with the legal requirements of AR 15-6.
- b. Any errors in the investigation do not materially affect any individual's rights.
- c. Sufficient evidence exists to support the findings of the investigating officer.
- d. The recommendations are consistent with the findings.

2. FACTS. While assisting a platoon from the 89th MP BDE, HHC/ 2-12 CAV's scout platoon occupied the intersection of Ghazaliya Main and (b)(2)High

- a. While assisting in recovery, the unit took RPG and small arms fire.
- b. A vehicle approached their position at a high rate of speed. PFC (b)(3), (b)(6) who was in a gunner's turret, cycled through several EOF measures that included

(b)(2)High

c. When the vehicle did not stop, PFC (b)(3), (b)(6) engaged it with several (b)(2)High rounds. All four of the occupants, including two children were killed.

3. ANALYSIS. Escalation of force is the use graduated responses to an evolving threat.

(b)(2)High

AETV-BGS-JA

SUBJECT: Legal Review, AR 15-6 Investigation

b. In this case, PFC (b)(3), (b)(6) platoon was responding to a complex attack that included small arms fire and RPGs after the initial EFP. The unit had previously been engaged by AIF from a moving car and was in contact shortly before the incident.

c. PFC (b)(3), (b)(6) employed as many non-lethal means as he could before the vehicle crossed his predetermined trigger line. When the vehicle failed to stop for those non-lethal means, PFC Beegle's decision to employ lethal force was entirely reasonable under the circumstances.

3. RECOMMENDATIONS. I respectfully recommend concurring with the findings and recommendations of the investigating officer and forwarding this matter to the Commanding General, Multi-National Division- Baghdad.

4. Point of contact is the undersigned at (b)(3), (b)(6) @2bct.1id.army.smil.mil.

(b)(3), (b)(6)

CPT, JA
2BCT OPLAW & Trial Counsel

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OFFICERS

For use of this form, see AR 15-6; the proponent agency is OTJAG.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

SECTION I - APPOINTMENT

Appointed by LTC (b)(3), (b)(6) CDR, 2-12 CAV, 4th BDE, 1st CAV DIV
(Appointing authority)

on 18 JULY 2007 (Date) *(Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)*

SECTION II - SESSIONS

The *(investigation) (board)* commenced at 2-12th Battalion Headquarters at 1000
(Place) (Time)

on JUL 07 (Date) *(if a formal board met for more than one session, check here . Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.)* The following persons *(members, respondents, counsel)* were present: *(After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)*

The following persons *(members, respondents, counsel)* were absent: *(Include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)*

The *(investigating officer) (board)* finished gathering/hearing evidence at 1900 on July 2007
(Time) (Date)
 and completed findings and recommendations at 2000 on July 2007
(Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES		YES	NO ^{1/}	NA ^{2/}
1 Inclosures <i>(para 3-15, AR 15-6)</i>				
Are the following inclosed and numbered consecutively with Roman numerals: <i>(Attached in order listed)</i>				
a.	The letter of appointment or a summary of oral appointment data?			
b.	Copy of notice to respondent, if any? <i>(See item 9, below)</i>			
c.	Other correspondence with respondent or counsel, if any?			
d.	All other written communications to or from the appointing authority?			(b)(2)High
e.	Privacy Act Statements <i>(Certificate, if statement provided orally)?</i>			
f.	Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered <i>(e.g., absence of material witnesses)?</i>			
g.	Information as to sessions of a formal board not included on page 1 of this report?			
h.	Any other significant papers <i>(other than evidence)</i> relating to administrative aspects of the investigation or board?			

FOOTNOTES: 1/ Explain all negative answers on an attached sheet.
 2/ Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

2 Exhibits (para 3-16, AR 15-6)

a. Are all items offered (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 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 form and attached as an exhibit?

d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?

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 to writing and made an exhibit or recorded in a verbatim record?

g. If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?

3 Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?

B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)

4 At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)?

5 Was a quorum present at every session of the board (para 5-2b, AR 15-6)?

6 Was each absence of any member properly excused (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 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 DESIGNATED (Section II, Chapter 5, AR 15-6)

9 Notice to respondents (para 5-5, AR 15-6):

a. Is the method and date of delivery to the respondent indicated on each letter of notification?

b. Was the date of delivery at least five working days prior to the first session of the board?

c. Does each letter of notification indicate —

(1) the date, hour, and place of the first session of the board concerning that respondent?

(2) the matter to be investigated, including specific allegations against the respondent, if any?

(3) the respondent's rights with regard 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 evidence, 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 respondent and his counsel given access and an opportunity to examine them?

10 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 proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6)?

11 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)

b. Was respondent's counsel present at all open sessions of the board relating to that respondent?

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)?

12 If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):

a. Was the challenge properly denied and by the appropriate officer?

b. Did each member successfully challenged cease to participate in the proceedings?

13 Was the respondent given an opportunity to (para 5-8a, AR 15-6):

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 statements?

c. Object to the testimony of witnesses and cross-examine witnesses other than his own?

d. Call witnesses and otherwise introduce evidence?

e. Testify as a witness?

f. Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?

14 If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses (para 5-8b, AR 15-6)?

15 Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (para 5-11, AR 15-6)?

(b)(2)High

FOOTNOTES: 1/ Explain all negative answers on an attached sheet.
 2/ Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

SECTION IV - FINDINGS (para 3-10, AR 15-6)

The (investigating officer) (board) , having carefully considered the evidence, finds:

a. PFC(3), (b) used graduated measures of force appropriately when dealing with the perceived threat. He made every attempt to get the vehicle to stop or divert. PFC(3), (b) waited until (b)(2)High PFC(3), (b) had every right to feel threatened and to engage the perceived threat. (Exhibits A, C, and F)

b. On 17 July 2007 SCT/HHC/2-12 CAV had witnessed a sharp increase in enemy activity throughout the day. They had taken small arms fire (SAF) from and engaged a blue mini van, witnessed the aftermath of the IED strike, and had been engaged by SAF a second time while securing the IED site. All of these factors caused the soldiers of SCT/HHC/2-12 CAV to be more vigilant while pulling security and be at a higher level of alertness. (Exhibits A, B, C, and F)

c. Due to the extended period of time spent static at a known enemy location (approximately two hours) the soldiers of SCT/HHC/2-12 CAV recognized they were under an increased threat level for more SAF and vehicle borne improvised explosive (VBIED) attacks. (Exhibits A and B)

d. These facts caused PFC(3), (b) to feel very threatened by a vehicle that refused to follow any directions and continued to approach his location at a high rate of speed. (Exhibit A)

e. PFC(3), (b) executed graduated measures of force to standard (b)(2)High

f. Hand-arm signals may not have been seen at the distance that PFC(3), (b) used them. The driver of the vehicle had to have seen (b)(2)High (b)(2)High. It is also possible that the driver would not have seen the (b)(2)High grounds hitting in front of the vehicle if the (b)(2)High on the windshield obstructed the driver's view. In that case the driver still would have heard the warning shots being fired. Between (b)(2)High and sound shots being fired the driver should have known to stop or divert away from the stopped coalition vehicles. (Exhibits A and D)

g. The trigger line PFC(3), (b) selected could have been closer, but taking in to account terrain and enemy activity for the day it was reasonable. It was easy to recognize. located (b)(2)High away, and it was past the last turn off (b)(2)High before reaching (Exhibits A and D)

h. For unknown reasons none of the escalation of force measures used by PFC(3), (b) stopped or diverted the driver of the vehicle from their path toward (b)(2)High. Because of this the use of deadly force was an unpreventable and was the appropriate response to the driver's actions.

(3), (b)

(3), (b)(

(3), (b)(

(b)(2)High, (b)(5), (b)(3)(b)(6)

SECTION V - RECOMMENDATIONS (para 3-11, AR 15-6)

In view of the above findings, the (investigating officer) (board) recommends:

(b) (5)

TABLE OF CONTENTS

TAB 1:	Appointment Orders
TAB 2:	DA Form 1574: Report of Proceedings by Investigating Officer
TAB 3:	Memorandum of Facts, Findings, and Recommendations
TAB 4:	Exhibit A: Sworn Statements of 1LT (b)(3), b(6) SFC (b)(3)(b)(6) SGT (b)(3), b(6) PFC(b)(3)(b)(6) and PFC(b)(3)(b)(6)
TAB 5:	Exhibit B: Story Board for 17 July 07 IED Strike
TAB 6:	Exhibit C: 79 th EOD Post Blast Report on 17 July 07 EFP Strike
TAB 7:	Exhibit D: Story Board for 17 July 07 EOF Incident
TAB 8:	Exhibit E: MNC-I ROE Card
TAB 9:	Exhibit F: Commander's Inquiry Memorandum

Page 14 redacted for the following reason:

Nonresponsive, (b)(2)High

401st MP, 2/1 ID

(2)Hi

b)(2)High

Nonresponsive, (b)(2)High

(2)High

17 JUL 07, EVENT: IED STRIKE (2 X US KIA, 1 X TERP KIA, 1 X US WIA 1 X

SECRET//REL TO USA IRG, MCF#20170717
FOR DISPLAY ONLY TO IRG

(S)

1500: TF SCOUTS HAVE EOF WITH '89 BLACK BMW AT THE VEHICLE

(2)H

AND

WARNING SHOTS. BMW WAS ENGAGED WITH AMMUNITION IS

AND CAUGHT ON FIRE. AMMUNITION IS SEEN COOKING OFF INSIDE VEHICLE. IA AND

IRAQI FIRE DEPARTMENT RESPOND. PLATE # 4X KIA [1X MALE, 1X FEMALE, 2X

CHILDREN]. AFTER FIRE IS EXTINGUISHED IA TAKE REMAINS TO KADAMIYAH HOSPITAL.

(b)(6)

(2)H
Nonresponsive, (b)(2)High

(2)High

Nonresponsive, (b)(2)High



EOF WITH BLACK BMW (4X LN KIA) MB 3260 9070

Page 16 redacted for the following reason:

Nonresponsive, (b)(2)High

17 JUL 07, EVENT: EOF (4X LN KIA)

2-12 CAV. 2/1 ID

INCIDENT: EOF

RESULTS: 4X LN KIA

SIGACT/EVENT ID: MND-B EVENT 1; SIGACT 1 (180629)

DTG: 171500JUL07

UNIT: 2-12 CAV

LOCATION

(2)F

MISSION OF UNIT:

(2)Hi

TIMELINE OF EVENTS:

1250: 401st MP REPORTS IED STRIKE WHILE TRAVELING SOUTHBOUND FROM THE STATION; CASUALTIES REPORTED. SCT/2-12 CAV PROVIDES SITE SECURITY NOT ALLOW RECOVERY OF DESTROYED M1114

(2)F

1500: THE SCOUTS REPORT EOF WITH A BLACK BMW AT [REDACTED] (2)F. A BLACK CAR WAS APPROACHING THE CORDON FROM THE WEST AT A HIGH RATE OF SPEED. THE VEHICLE FAILED TO RESPOND TO THE GUNNER AT THE CAR. ONCE THIS TECHNIQUE FAILED, THE GUNNER ESCALATED MEASURES AND FIRED A [REDACTED] (2)F. STRIKING THE VEHICLE IN THE WINDSHIELD, THE VEHICLE CONTINUED MVT. THE GUNNER FIRED WARNING SEVERAL SHOTS INTO THE GROUND IN FRONT OF THE VEHICLE AND VEHICLE STILL CONTINUED MVT.

1501: AFTER THE BMW FAILED TO STOP AFTER THE WARNING SHOTS [REDACTED] (2)F, THE MP'S [REDACTED] (2)F. NEXT TO [REDACTED] (2)F, THE CAR IMMEDIATELY CAUGHT FIRE AFTER BEING ENGAGED. GROUND UNIT'S REPORTS HEARING POPPING NOISES COMING FROM THE FIRE.

1545: ISF AND THE LOCAL IRAQI FIRE DEPARTMENT RESPOND. BDA IS NOT ASSESSED BY 2-12CAV.

1520: SCT/2-12 CAV ALLOWS ISF & FIRE DEPARTMENT TO CONTROL BURNING BMW'S SITUATION. SCT/2-12 CONTINUES TO PROVIDE SITE SECURITY UNTIL RECOVERY OPERATIONS ARE COMPLETE.

1510: D/2-12 ARRIVES WITH RECOVERY ASSETS.

1600SCT/2-12 CAV CONFIRMS SITE CLEAR OF DEBRIS. BEGINS EXFILTHATION.

180120JUL07 IA REPORTS BDA: 1x LN MALE KIA, 1x LN FEMALE KIA, 2x LN CHILDREN KIA.

SUMMARY

1X EOF

4X LN KIA

(2)H

FILE NAME: 17JUL06 EVENT: OF (4X LN KIA) 2-12 CAV. 2/1 ID



(2)Hi

(b)(2)High, Nonresponsive

b)(2)High

(2)Hi

2)H

(b)(2)High

(b)(2)High

(b)(2)High

(2)Hi

SECRET//REL TO USA IRG, MCFI#20170717
FOR DISPLAY ONLY TO IRG

(S)

SECRET//REL TO USA IRG, MCFI#20170717
FOR DISPLAY ONLY TO IRG

INITIAL

(S)

Page 18 redacted for the following reason:

Nonresponsive, (b)(2)High, (b)(3), (b)(6)

(b)(2)High

Pages 20 through 23 redacted for the following reasons:

Non-Responsive, (b)(2)High, (b)(3), (b)(6)
Nonresponsive, (b)(2)High, (b)(3), (b)(6)



DEPARTMENT OF THE ARMY
 Headquarters and Headquarters Company,
 2nd Battalion, 12th Cavalry
 FOB Liberty, APO AE 09344

AFVA-BCX-HHC

19 July 2007

MEMORANDUM FOR RECORD

SUBJECT: Commanders Inquiry on Escalation of Force Incident – 17 Jul 07

1. The purpose of this memorandum is to provide final report on Commanders Inquiry of the escalation of force incident which occurred on 17 Jul 07.

2. **Background:** On Tuesday, 17 July 07, the Scout Platoon was on a patrol on Police Station Road when the 89th MP Company was struck by an EFP on Ghazaliyah Main. The Scouts moved to the site and provided security for the CASEVAC and waited for the recovery assets to arrive. (b)(2)High was pulling security facing west on (b)(2)High when a vehicle approached at a high rate of speed moving east on (b)(2)High. Immediately, PFC (b)(3), (b)(6) the gunner for (b)(2)High began to shout to stop and use hand and arm signals to get the vehicle to stop. While continuing to yell, PFC (b)(3), (b)(6) shined a green laser into the windshield of the vehicle. He then fired (b)(2)High rounds at the vehicle impacting in the windshield with still no response from the driver. PFC (b)(3), (b)(6) then fired warning shots into the ground with (b)(2)High. The driver once again ignored this measure. PFC (b)(3), (b)(6) hesitated a second to make sure the vehicle wasn't going to turn down a side street. As the vehicle passed the last possible turn off, PFC (b)(3), (b)(6) fired (b)(2)High rounds into the vehicle to disable it. A vehicle of the 89th MP Company also engaged the vehicle. Once the fire was put out the IA were able to identify what was inside the vehicle. Judging from the remains and information from local nationals, it was a family of four with two kids in the back seat. On follow on patrols, the Scouts attempted to mitigate the effects by discussing what had transpired with locals and family members.

3. **Investigation Conducted:** I interviewed and received sworn statements from SFC (b)(3), (b)(6) (Enclosure 1), SGT (b)(3), (b)(6) (Enclosure 2), PFC (b)(3), (b)(6) (Enclosure 3), PFC (b)(3), (b)(6) (Enclosure 4), and 1LT (b)(3), (b)(6) (Enclosure 5). I also used the EOF Storyboard (Enclosure 6).

4. **Findings:** I find that PFC (b)(3), (b)(6) performed appropriate escalation of force measures when responding to a perceived threat. The Scouts were in a stationary position for over two hours. They had taken small arms and RPG fire. The vehicle approached at a high rate of speed completely ignoring the escalation of force measures. Even without the events leading up to the EOF incident, the vehicle would have been perceived as a threat and should have been treated as such.

5. **Recommendation:**

(b)(2)High, (b)(5)

6. POC for this memorandum is undersigned at (b)(3), (b)(6), (b)(2)High

6 Encis

(b)(3), (b)(6)

- 1. Sworn Statement of SFC
- 2. Sworn Statement of SGT
- 3. Sworn Statement of PFC (b)(3), (b)(6)
- 4. Sworn Statement of PFC
- 5. Sworn Statement of 1LT
- 6. EOF Storyboard

1LT, EN
 Executive Officer