

SECTION VI - AUTHENTICATION (para 3-17, AR 15-6)

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)

(Recorder)	(Investigating Officer) (President)
(Member)	(Member)
(Member)	(Member)

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

SECTION VII - MINORITY REPORT (para 3-13, AR 15-6)

To the extent indicated in Inclosure \_\_\_\_\_, the undersigned do(es) not concur in the findings and recommendations of the board. (In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.)

(Member)	(Member)
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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.)

I ratify the appointment of the Investigating Officer.

I approve the Facts and Findings.

I approve Recommendations (b)(3), (b)(6)  
(b)(2)High

I remand the matter to the BCT Cdr for appropriate action.

4 MAY 2007

  
 JOSEPH F. FIL, JR  
 Major General, USA  
 Commanding

(b)(3), (b)(6)	4 APR 2007
(b)(3), (b)(6)	COL, IN, Commanding



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARM.  
1st Squadron, 4<sup>th</sup> Cavalry Regiment  
4<sup>th</sup> Infantry Brigade Combat Team, 1<sup>st</sup> Infantry Division  
FOB Falcon, Iraq APO AE 09361

AFZN-BCD-H

13 APRIL 2007

MEMORANDUM FOR Commander: 4<sup>th</sup> IBCT, 1<sup>st</sup> Infantry Division, FOB Falcon, Iraq, APO AE 09361

SUBJECT: Investigative AR 15-6 Report-REF: Escalation of Force incident involving Soldiers of A Trp 1-4 CAV on 09 April 2007.

1. Purpose. The purpose of this memorandum is to report the investigation findings and recommendations concerning the Escalation of Force incident involving Soldiers of A Trp 1-4 CAV on 09 April 2007.

2. Summary.

a. All proper Escalation of Force procedures and requirements were used by 3<sup>rd</sup> Platoon A Trp prior to the use of deadly force. It should be noted that there was a no vehicle movement prohibition in Baghdad on 09 APR, the anniversary of the day Coalition Forces started OIF.

b. On 091320APR07 3/A/1-4 while conducting an infrastructure assessment responded to a call by NP's that were receiving SAF in (b)(2)High between 35<sup>th</sup> St and 23<sup>rd</sup> St. After setting a cordon to search the houses that the SAF originated from a car traveling toward the cordon failed to stop approaching the cordon. EOF procedures were taken which ended when the driver was killed. My investigation is focused on the Escalation of Force and if proper EOF procedures were used.

3. Applicable Regulations & References.

(b)(2)High

4. Investigative Procedures. The Investigation began by reviewing the 1-4 CAV Battle Captains 1594 Duty logs (Exhibit A), and the event Storyboards for the incident (Exhibit B). I reviewed sworn statements from all the individuals involved, including the Platoon Leader and Platoon Sergeant, (Exhibits C thru H). I also reviewed the photos from the patrol debrief (Exhibits I,J).

Subject: Investigative AR 15-6 Report-REF: Escalation of Force incident involving Soldiers of A Trp I-4 CAV on 09 April 2007.

5. Witnesses & Evidence. (Summaries of all sworn statements)

a. (Exhibit C) 1LT (b)(3), (b)(6) the 3<sup>rd</sup> PLT PL, stated after his PLT set a cordon around the houses suspected of SAF, a vehicle traveling north towards the cordon, on a day there was to be no vehicle traffic, failed to stop. Then PLT dismounts and (b)(2)High's gunner, shouted, flagged down (waved), and fired warning shots at the vehicle. The gunner of A-31 realizing the vehicle was not going to stop and was now a suspected VBIED fired two (b)(2)High killing the driver.

b. (Exhibit D) SFC (b)(3), (b)(6) the 3<sup>rd</sup> PLT PSG, stated that only after a dismounted teams use of verbal warnings failed; stop in English and Qif in Arabic, and two warning shots fired in front of the vehicle failed, was deadly force used against a suspected VBIED. The gunner of 3<sup>rd</sup> PLT Truck A-31, also yelled for the driver to stop in English and Arabic, then fired two (b)(2)High from (b)(2)High to stop the vehicle. The vehicle started to back up after being hit from the MG fire. The while reversing the vehicle struck a cinder block wall and stopped. A youth, the driver's son, exited the passenger seat of the vehicle and surrendered.

c. (Exhibit E) SSG (b)(3), (b)(6) 3<sup>rd</sup> PLT A Section SGT, stated that after warning the PLT by yelling, "Contact, White car on the West", he yelled at the car to stop twice, fired a warning shot in front of the car, and yelled again while each of his two dismounted team members fired one more warning shot towards the vehicle. The vehicle then sped up, heading towards (b)(2)High when the gunner fired on the truck. The passenger jumped out of the car and got down on the ground.

d. (Exhibit F) PFC (b)(3), (b)(6) Gunner (b)(2)High After being alerted to the contact of a white car by his PLT LDR, 1LT (b)(3), (b)(6) PFC (b)(3), (b)(6) rotated his turret and pointed his weapon at the vehicle. In addition PFC (b)(3), (b)(6) raised his left hand and yelled, "Qif", three or four times. After hearing the warning shots PFC (b)(3), (b)(6) aimed at the grill of the vehicle which sped up while he was firing one short burst and hit the driver's side of the vehicle. The vehicle then leaped into reverse and hit a cinder block behind it. The cars passenger jumped out of the vehicle.

e. (Exhibit G) PFC (b)(3), (b)(6) Dismounted Team Member, PFC (b)(3), (b)(6) after being warned of the contact, the white car, yelled in Arabic and English for the car to stop. After SSG (b)(3), (b)(6) fired warning shots the vehicle sped up so PFC (b)(3), (b)(6) fired at the vehicle. At the same time they heard (b)(2)High engage with (b)(2)High the vehicle then went into reverse. After the vehicle stopped the passenger jumped out.

f. (Exhibit H) PFC (b)(3), (b)(6) Dismounted team Member, PFC (b)(3), (b)(6) after being warned of the contact, the white car, fired one of three warning shots fired by the dismounted team after all verbal and hand arm signals were ignored. After the warning shots the (b)(2)High fired when the car sped up toward the cordon. After the car was disabled a passenger jumped out and was stopped.

g. (Exhibits I, J) The pictures from the patrol debrief clearly show that although the gunner aimed to (b)(2)High his aim was steady enough to only disable/kill the driver while not hitting the passenger.

Subject: Investigative AR 15-6 Report-REF: Escalation of Force incident involving Soldiers of A Trp 1-4 CAV on 09 April 2007.

6. Findings.

a. On 091320APR07 3/A/1-4 while (b)(2)High responded to a call by NP's that were receiving SAF in (b)(2)High between 35<sup>th</sup> St and 23<sup>rd</sup> St. After setting a cordon to search the houses that the SAF originated from a car traveling toward the cordon failed to stop approaching the cordon. All the sworn statements from the PL, PSG, Section Sergeant, and the three dismounted team members (Exhibits C-H) clearly state that they used verbal warning both in Arabic, "Qif", and English to stop the vehicle. Following typical EOF procedures the gunner of (b)(2)High proceeded to use hand and arm signals (waving) as stated by the PL and (b)(2)High gunner (Exhibits C, F).

b. (b)(2)High the Section Sergeant and two dismounted team members fired warning shots which impacted in front of the vehicle only after they had given several verbal warnings (Exhibits C-H). Additionally the gunner of (b)(2)High pointed his (b)(2)High at the vehicle while using (b)(2)High continuing to follow standard EOF procedures (Exhibit F).

c. The culmination of the EOF incident was the limited use of lethal fires by the (b)(2)High gunner after the vehicle failed to respond to all other EOF procedures (Exhibits C-J). The limited use of lethal fires can be directly seen in that only the driver was killed and only one bullet hole is in the windshield of the vehicle and the passenger was able to surrender unharmed (Exhibits I,J). The end state is that in the all exhibits there is clear evidence that all applicable EOF procedures were used.

d. This is an example of proper EOF procedures and could be used as a training vignette to help others. 3<sup>rd</sup> PLT used all EOF procedures available to them and to the best of their abilities, throughout all the sworn statements it is repeated time and again; (b)(2)High

(b)(2)High The PLT took all measures possible prior to the use of lethal force. The debrief pictures continue to corroborate that correct EOF procedures were used in that they show that the (b)(2)High fire was aimed toward the driver and only killed the driver.

e. Ultimately the fault lay with the driver of the vehicle, later determined to be (b)(6) (b)(6) as he plainly ignored a vehicle movement ban which had been observed throughout the rest of the 1-4 AO. This vehicle movement ban was the primary reason he was suspected of being a VBIED driver.

7. Recommendations. Having reached the findings above, I recommend that;

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

AFZN-BCD- H

Subject: Investigative AR 15-6 Report-REF: Escalation of Force incident involving Soldiers of A Trp 1-4 CAV on 09 April 2007.

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

8. If you have any further questions or concerns please contact the undersigned at VOIP 777-2166/2004 or (b)(3), (b)(6), (b)(2)High

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

CPT, AR  
Investigating Officer



DEPARTMENT OF THE ARMY  
 HEADQUARTERS, 1ST SQUADRON, 4TH CAVALRY REGIMENT  
 4TH INFANTRY BRIGADE COMBAT TEAM  
 FOB FALCON, IRAQ APO AE 09361  
 "DUTY FIRST"

REPLY TO  
 ATTENTION OF:

AFZN-BCD

20 April 2007

MEMORANDUM FOR Commander 4th Infantry Brigade Combat Team, FOB Falcon, Baghdad, Iraq APO AE 09361

SUBJECT: Approval/Disapproval of Commanders Inquiry (Escalation of Force by A Trp., 1-4 CAV, Resulting in One Local National Death on 09 April 2007).

I recommend the findings and recommendations of the investigating officer be:

( ) Approved.

( ) Disapproved.

(b)(1) Approved, with the following exceptions/substitutions: \_\_\_\_\_

The only minor correction is that I made the  
 condolence payment to the ~~the~~ son with his sister  
 present. Their mother was unavailable and did not  
 plan to return. CPT  (b)(3)(b)(6) was also present.

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

(b)(3)(b)(6) LTC, IN  
 Commanding



DEPARTMENT OF THE ARMY  
HEADQUARTERS, 4th INFANTRY BRIGADE COMBAT TEAM  
MULTINATIONAL DIVISION-BAGHDAD  
FOB FALCON, IRAQ APO AE 09361  
"DUTY FIRST"

REPLY TO  
ATTENTION OF:

AFZN-BC

10 April 2007

MEMORANDUM FOR CPT Theron P. Ballard, Headquarters and Headquarters Troop,  
1st Squadron, 4th Cavalry Regiment, FOB Falcon, APO AE 09361

SUBJECT: Appointment of Investigating Officer RE: Escalation of Force Incident  
involving Soldiers of A Trp., 1-4 CAV on 09 April 2007 (b)(2)High

1. You are hereby appointed as an investigating officer pursuant to AR 15-6, to conduct an informal investigation into circumstances surrounding an Escalation of Force incident on 9 April 2007 involving Soldiers of A Trp., 1-4 CAV.
2. Specifically, I want you to investigate the circumstances surrounding the Escalation of Force and whether proper procedures were followed regarding the incident.
3. This duty takes precedence over all other duties until you complete your investigation. Upon receipt of this memorandum, promptly contact the Brigade Judge Advocate, Major (b)(3), (b)(6) / Room 207, 4th IBCT Headquarters Building, FOB Falcon, to receive advice on how you should conduct the investigation under AR 15-6.
4. In your investigation, you must follow the informal procedures described in AR 15-6. I want you to thoroughly investigate this matter and any matters that arise in the course of your investigation. You will interview all witnesses and parties connected with this incident. Pursuant to AR 15-6, paragraph 3-1, and UCMJ, Article 136, you have the authority to administer oaths to witnesses interviewed. Your report will include sworn statements on DA Forms 2823 taken from all relevant sources with knowledge of the incident and the surrounding circumstances.
5. If, when interviewing any Soldier, you reasonably suspect that the individual has committed an offense in violation of the Uniform Code of Military Justice (UCMJ), you must advise that Soldier of his/her rights under Article 31, UCMJ, before asking any further questions. You will use a DA Form 3881 to advise such suspects of their Article 31(b) rights. If you have questions on this issue, consult with the Brigade Judge Advocate.

AFZN-BC

SUBJECT: Appointment of Investigating Officer RE: Escalation of Force Incident involving Soldiers of A Trp., 1-4 CAV on 09 April 2007 (b)(2)High.

6. I have enclosed the incident report which initiated the investigation. You should secure copies of any documents that might substantiate or refute the testimony of the complainant, alleged perpetrator(s), or named witnesses, and include these documents in your final report.

7. When you complete your investigation, you should review the evidence, determine if the investigation adequately addresses the allegations, and make specific findings and recommendations regarding the matters outlined in paragraphs 1 & 3. Your recommendations should include ways, if applicable, to correct systematic, procedural, or training problems contributing to the Escalation of Force Incident. When writing your findings, you will need to cite the evidence that supports your findings. You should also attempt to reconcile any conflicting evidence or conflicting statements and identify who you believe and why.

8. You must provide a Privacy Act statement 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. AR 15-6, Appendix B provides guidance for preparing Privacy Act statements. If any questions arise regarding the need for a Privacy Act statement, consult with the Brigade Judge Advocate.

9. You will thoroughly investigate the above matter and make every effort to obtain the evidence in a timely fashion. Submit your findings and recommendations on DA Form 1574 through the Brigade Judge Advocate to this office within 7 days of receipt of this memorandum. If you need additional time, I must personally approve the extension.

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

COL, IN  
Commanding



DEPARTMENT OF THE ARMY  
BRIGADE OPERATIONAL LEGAL TEAM  
HEADQUARTERS, 4TH INFANTRY BRIGADE COMBAT TEAM  
FOB FALCON, IRAQ APO AE 09361

REPLY TO  
ATTENTION OF:

AFZN-BC-JA

18 April 2007

MEMORANDUM FOR COMMANDER, 4 IBCT, MND-B, FOB Falcon, Iraq APO AE  
09361

SUBJECT: Legal Review of AR 15-6 Investigation Re: Escalation of Force by A/1-4  
CAV Resulting in One Local National Death on 9 April 2007

1. In accordance with AR 15-6, paragraph 2-3, I reviewed the AR 15-6 investigation into the facts and circumstances involving the escalation of force incident in which members of a A Troop 1-5 CAV shot and fatally wounded a local national male. The local national was approaching a 1-4 CAV cordoned area at a high rate of speed in a white passenger vehicle. The vehicle was moving during a Prime Minister imposed vehicle movement ban and failed to respond to A Troops warnings. An M240 gunner fired two aimed bursts, killing the driver. The passenger surrendered, unharmed, to Coalition Forces.

a. The proceedings comply with the legal requirements under AR 15-6.

b. Errors in the proceedings, if any, do not have a material adverse effect on any individual's substantial rights as related to an informal AR 15-6 investigation. I found no errors in the proceedings of the investigation.

c. Sufficient evidence supports the findings for an informal AR 15-6 investigation.

1) The investigating officer fully interviewed and questioned the Soldiers involved in the incident.

2) No local national witnesses who observed the incident are available except for the passenger of the vehicle. However, the passenger is the son of the deceased driver and is a juvenile. Interviews with this child are not likely to contribute to the investigation.

3) The findings do not indicate inconsistencies in the evidence. All accounts by the Soldiers at the scene are consistent and reliable.

4) The finding that the unit used appropriate escalation of force measures under the circumstances is consistent with the evidence.

d. The recommendations are consistent with the findings.

AFZN-BC-JA

SUBJECT: Legal Review of AR 15-6 Investigation Re: Escalation of Force by A/1-4  
CAV Resulting in One Local National Death on 9 April 2007

2. The POC for this review is the undersigned at VOIP: 777-1189. Please call if there are any questions.

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

CPT, JA  
Operational Law Attorney

**REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF 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 COL (b)(3), (b)(6) CDR, 41BCT, 1CD  
(Appointing authority)

on 10 APRIL 07 (Date) (Attach in closure 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 FOB Falcon, Iraq (Place) at 1900 (Time) on 10 April 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 2200 (Time) on 13 APRIL 07 (Date) and completed findings and recommendations at 0900 (Time) on 16 APRIL 07 (Date)

**SECTION III - CHECKLIST FOR PROCEEDINGS**

**A. COMPLETE IN ALL CASES**

YES NO 1 NA 2

- 1 Inclosures (para 3-15, AR 15-6)
- Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)
- a. The letter of appointment or a summary of oral appointment data?
- b. Copy of notice to respondent, if any?(See item 9, below)
- c. Other correspondence with respondent or counsel, if any?
- d. All other written communications to or from the appointing authority?
- e. Privacy Act Statements (Certificate, if statement provided orally)?
- f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?
- g. Information as to sessions of a formal board not included on page 1 of this report?
- h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?

(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 the case.

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

		YES	NO	NA
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>B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)</b>				
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)?			
<b>C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)</b>				
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)?			
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.				

(b)(2)High

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

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

See Memorandum for Commander, 4IBCT, 1CD, Findings and recommendations REF: Escalation of Force Incident involving Soldiers of A Trp 1-4 CAV on 09 April 2007

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

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

See Memorandum for Commander, 4IBCT, 1CD, Findings and recommendations REF: Escalation of Force Incident involving Soldiers of A Trp 1-4 CAV on 09 April 2007

INDEX OF EXHIBITS

- Exhibit a. 1-4 CAV Battle Captain's 1594 Log for 09 April 07
- Exhibit b. Storyboard of EOF incident completed by 1-4 CAV Battle Captain
- Exhibit c. Sworn statement of 1LT [redacted]
- Exhibit d. Sworn statement by SFC [redacted]
- Exhibit e. Sworn statement by SSG (b)(3), (b)(6)
- Exhibit f. Sworn statement by PFC [redacted]
- Exhibit g. sworn statement by PFC [redacted]
- Exhibit h. Sworn statement by PFC [redacted]
- Exhibit i. Patrol debrief picture from incident
- Exhibit j. Patrol debrief picture from incident
- Exhibit k. Purchase Request and Commitment for [redacted] (b)(2)High

## 4/1 ID Serious Incident Report

From: TF 1-4 CAV

Thru:

To: 4/1 ID

Subject:

1. Category: Escalation of Force
2. Type of incident: Escalation of Force
3. DTG: 091730APR07
  - A. DTG of Incident: 091410APR07
  - B. DTG Unit was notified of Incident: 091413APR07
  - C. DTG received by DOC: 030750APR07
4. Location:  Rashid, Iraq
5. Personnel involved:
  - A. Subject: 
    1. Rank or grade: SFC
    2. Social Security Number:
    3. Race:
    4. Sex:
    5. Age:
    6. Position:
    7. Security clearance:
    8. Unit and station of assignment: (TF 1-4 CAV) 4/1 ID
    9. Duty status: Active
    10. Marital Status:
  - B. Subject: 
    1. Rank or grade: 1LT
    2. Social Security Number:
    3. Race:
    4. Sex:
    5. Age:
    6. Position:
    7. Security clearance:
    8. Unit and station of assignment: (TF 1-4 CAV) 4/1 ID
    9. Duty status: Active
    10. Marital Status:

<b>DAILY STAFF JOURNAL OR DUTY OFFICER'S LOG</b> For use of this form, see AR 220-15: the proponent agency is Office of The Deputy Chief of Staff for Operations & Plans				PAGE NO. 3		NO. OF PAGES 7		
ORGANIZATION OR INSTALLATION			LOCATION		PERIOD COVERED			
I-4 CAVALRY SQUADRON			FOB FALCON, IRAQ		FROM		TO	
					HOUR	DATE	HOUR	DATE
					0000	4/09/07	2359	4/09/07
ITEM NO.	TIME		INCIDENTS, MESSAGES, ORDERS, ETC.				ACTION TAKEN	INL.
	IN	OUT						

Nonresponsive, (b)(2)High

			HOUSE WERE NP'S SAY THE GUNFIRE WAS COMING FROM. NP'S SAY THE FIRE DID NOT COME FROM THE AHMED AL ROMEA MOSQUE. (b)(2)High		
45			APACHE BLUE PLT HAS CONFIRMED GNFIRE COMING FROM THE MOSQUE (b)(2)High	UPDATED BC	
46			APACHE 6 REPORTS MP'S HAVE ENTERED THE AHMED AL ROFEA MOSQUE	UPDATED BC	
47			APACHE 6 REPORTS APACHE BLUE PLT CONFIRMED SHOTS COMING FROM ROOF OF MOSQUE	UPDATED BC	
48			APACHE 6 REPORTS APACHE BLUE PLT CLEARING HOUSE (b)(6) MOSQUE WHILE NP'S CLEAR THE MOSQU. BLUE PLT WILL POP SMOKE NEAR THE MOSQUE (b)(2)High (b)(2)High	UPDATED BC	
49			RAIDER JSS REPORTS THE NAME OF THE MOSQUE IS AHMEED AL RAFEA (b)(2)High	UPDATED BC	
50	b(2)High		APACHE 6 REPORTS APACHE BLUE TAKING FIRE FROM ROOFTOP OF HOUSE (b)(6) MOSQUE. THEY HAVE CORDONED THE HOUSE AND WILL (b)(2)High (b)(2)High	UPDATED BC	(3), (b)
51			APACHE 6 REPORTS NPS HAVE 4 DETAINEES. BLUE PLT HAS CLEARED HOUSE AND CORDONED BLOCK	UPDATED BC	
52			APACHE X-RAY REPORTS A VEHICLE DRIVING INTO A BLUE PLT CORDON AREA. DID NOT STOP. BLUE PLTN ENGAGED VEHICLE.	UPDATED BC	
53			VEHICLE WAS SHOT DRIVER KILLED PASSENGER NOT INJURED GRID (b)(2)High	UPDATED BC	
54			VEHICLE APROACHED APACHE BLUE PLT. DID NOT STOP. WARNING SHOTS WERE FIRED. VEHICLE SPEAD UP. VEHICLE WAS DISABLED. FATHER AND SON WERE IN VEHICLE. FATHER WAS KILLED. SON IS BEING HELD FOR QUESTIONING. BLUE PLT IS CONTINUING TO CLEAR HOUSES IN THE AREA.	UPDATED BC ← EOF Incident	

Nonresponsive, (b)(2)High

TYPED NAME AND RANK OF OFFICER OR OFFICIAL ON DUTY	SIGNATURE
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<b>DAILY STAFF JOURNAL OR DUTY OFFICER'S LOG</b> For use of this form, see AR 220-15: the proponent agency is Office of The Deputy Chief of Staff for Operations & Plans		PAGE NO. 2	NO. OF PAGES 7
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ORGANIZATION OR INSTALLATION I-4 CAVALRY SQUADRON	LOCATION FOB FALCON, IRAQ	PERIOD COVERED			
		FROM		TO	
		HOUR 0000	DATE 4/09/07	HOUR 2359	DATE 4/09/07

ITEM NO.	TIME		INCIDENTS, MESSAGES, ORDERS, ETC.	ACTION TAKEN	INL
	IN	OUT			

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

TYPED NAME AND RANK OF OFFICER OR OFFICIAL ON DUTY	SIGNATURE





<b>DAILY STAFF JOURNAL OR DUTY OFFICER'S LOG</b> For use of this form, see AR 220-15: the proponent agency is Office of The Deputy Chief of Staff for Operations & Plans		PAGE NO. 6		NO. OF PAGES 7	
ORGANIZATION OR INSTALLATION		LOCATION		PERIOD COVERED	
I-4 CAVALRY SQUADRON		FOB FALCON, IRAQ		FROM TO	
		HOUR	DATE	HOUR	DATE
		0000	4/09/07	2359	4/09/07
ITEM NO.	TIME		INCIDENTS, MESSAGES, ORDERS, ETC.		ACTION TAKEN
	IN	OUT			

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

TYPED NAME AND RANK OF OFFICER OR OFFICIAL ON DUTY	SIGNATURE



RASHID, TF 1-4 CAV, 4-1 ID

(b)(2)High

(b)(2)High

UNCLASSIFIED

SECRET//REL TO USA IRG and MCF III // 20170409  
For display only to IRG

(b)(2)High

(b)(2)High

(b)(2)High

(b)(2)High

(b)(2)High

(b)(2)High

(b)(2)High

(b)(2)High

(b)(2)High

SECRET//REL TO USA IRG and MCF III // 20170409  
For display only to IRG

UNCLASSIFIED

09 APR 07 EVENT EOF (1x LN Killed)

EO

INCIDENT: EVENT SAF  
RESULTS: 1x LN Killed with NO BDA or CASUALTIES  
SIGACT/EVENT ID: MND-B EVENT 26 (091444)

DTG: 091308APR07

UNIT: 3/A/1-4 CAV

LOCATION: (b)(2)H

MISSION OF UNIT

(b)(2)High

**TIMELINE OF EVENTS**

1308: Reported SAF by National Police  
1317: 3/A went to support National Police  
1320: 3/A Reports both NP element and 3/A were receiving SAF from houses in the vicinity of the linkup of NP's and 3/A at (b)(2)H. 3/A starts to clear houses in the area attempting to detain the originators of the SAF. After searching the immediate houses in the vicinity they proceed to establish a cordon position as illustrated.  
1345: White vehicle approaches cordon position of 3/A. After attempts to halt the vehicle with hand and arm signals and vocal warnings 2 warning shots were fired dismounted units adjacent to the cordoning vehicles location. Both warning shots originated from (b)(2)H and impacted short of the vehicle. The warning shots had no effect on the approaching vehicle's direction of travel or speed. After assessing the failure to abide by the curfew and the presence of a NO VEHICLE curfew instated by the Iraqi Prime minister, the gunner on (b)(2)H fired a 4 round burst at the vehicle killing the driver.  
1410: A6 and 2/A SP COP Amanche enroute to support 3/A and NP's in the area.

(b)(6)

responsive, (b)(2)H

1545: A5 reports that the 3 LN's involved (the mother, son, and deceased father) were dropped off at the IP station to fill out paper work.

(b)(2)H

(b)(2)High

(b)(2)H

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

(b)(2)High

**SWORN STATEMENT**

For use of this form, see AR 190-45; the proponent agency is PMG.

**PRIVACY ACT STATEMENT**

**AUTHORITY:** Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).  
**PRINCIPAL PURPOSE:** To provide commanders and law enforcement officials with means by which information may be accurately identified.  
**ROUTINE USES:** Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.  
**DISCLOSURE:** Disclosure of your social security number is voluntary.

1. LOCATION <i>FOB FALCON, IRAQ</i>	2. DATE (YYYYMMDD) <i>20070409</i>	3. TIME <i>1905</i>	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME <i>(b)(3), (b)(6)</i>	6. SSN <i>(b)(3), (b)(6)</i>	7. GRADE/STATUS <i>02 / AD</i>	
8. ORGANIZATION OR ADDRESS <i>A TRP, I-4 CAV, FOB FALCON, IRAQ</i>			

I, *(b)(3), (b)(6)*, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 09 APR 2007, my PLT was given *(b)(2)High* to conduct a Movement to Contact to assist the N. Police who were in contact in the *(b)(6)* portion of *(b)(2)High*. Upon conducting link up with N. Police, my elements observed dismounts on a roof top. My PLT maneuvered to cordon the building, the dismounts displaced. We observed their new location and set cordon around that building, once again they displaced so I gave the order to cordon the whole block and begin searching the buildings within the cordon. Just as we expanded the cordon a white vehicle approached the cordon, an area where no vehicle traffic was permitted. Dismounts from my PLT attempted to yell and flag down the vehicle, the gunner on my vehicle did the same, but vehicle continued to maneuver north. My Dismounts fired warning shots that impacted on the ground near the vehicle, however it continued to move. After realizing the warning shots did not get the vehicle to stop my gunner initiated a 4-5 round *(b)(2)High* on the vehicle killing the driver.

*Nothing follows?*

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

10. EXHIBIT	11. INITIALS <i>(b)(3), (b)(6)</i>	MAKING STATEMENT	PAGE 1 OF <u><i>2</i></u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

RIGHT OF REFUSAL TO ANSWER QUESTIONS / WARNING PROCEDURE/WAIVER CERTIFICATE

For use of this form, see AR 190-30; the proponent agency is ODCSOPS

DATA REQUIRED BY THE PRIVACY ACT

AUTHORITY: Title 10, United States Code, Section 3012(g)
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your Social Security Number is voluntary.

1. LOCATION: FOB Falcon
2. DATE: 9 Apr 07
3. TIME: 1900
4. FILE NO.
5. NAME (Last, First, MI): (b)(3), (b)(6)
6. SSN: (b)(3), (b)(6)
7. GRADE/STATUS: O2
8. ORGANIZATION OR ADDRESS: A/1-4CAV, FOB Falcon, Iraq, APO AE 09361

PART I - RIGHTS WAIVER/NON-WAIVER CERTIFICATE

Section A. Rights

The investigator whose name appears below told me that he/she is with the United States Army and wanted to question me about the following offense(s) of which I am suspected/accused: Accidental shooting of civilian.

Before he/she asked me any questions about the offense(s), however, he/she made it clear to me that I have the following rights:

- 1. I do not have to answer any question or say anything.
2. Anything I say or do can be used as evidence against me in a criminal trial.
3. (For personnel subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning.

- or -

(For civilians not subject to the UCMJ) I have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with me during questioning.

- 4. If I am now willing to discuss the offense(s) under investigation, with or without a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if I sign the waiver below.

5. COMMENTS (Continue on reverse side)

Section B. Waiver

I understand my rights as stated above. I am now willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present with me.

WITNESSES (if available)
1a. NAME: (b)(3), (b)(6)
b. ORGANIZATION OR ADDRESS AND PHONE: HHC, 4IBCT, FOB Falcon IDAQ APO AE 09631
3. SIGNATURE OF INTERVIEWEE: (b)(3), (b)(6)
4. SIGNATURE OF INVESTIGATOR: (b)(3), (b)(6)
5. TYPED NAME OF INVESTIGATOR: (b)(3), (b)(6)
6. ORGANIZATION OF INVESTIGATOR: HHT/1-4CAV, FOB Falcon, Iraq, APO AE 09361

Section C. Non-waiver

- 1. I do not want to give up my rights
I want a lawyer
I do not want to be questioned or say anything

2. SIGNATURE OF INTERVIEWEE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED