

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)

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

(Member)

(Member)

(Member)

(Member)

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)

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.)

(b)(2)High

➤ Conduct consequence management: settle condolence payment w/ Chan 3 CMO. Report when complete.

(b)(2)High

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

JoAngob



DEPARTMENT OF THE ARMY
HEADQUARTERS
172D STRYKER BRIGADE COMBAT TEAM
BAGHDAD, IRAQ APO AE 09344

REPLY TO
ATTENTION OF:

APVR-WLB-CO

16 August 2006

MEMORANDUM FOR CPT (b)(3),(b)(6) 1st Battalion, 17th Infantry Regiment, 172d Stryker
Brigade Combat Team, Camp Taji, Baghdad, Iraq APO AE 09344

SUBJECT: Investigating Officer Appointment, Investigation Into EOF Incident on 15 August 2006
vicinity (b)(2)High Reconnaissance Platoon, 1-17 IN

1. You are hereby appointed as an investigating officer pursuant to AR 15-6 to investigate the circumstances surrounding the escalation of force incident killing 1 LN during a patrol. This investigation is your primary duty and takes precedence over all other duties assigned to you.
2. The report of investigation must include, but is not limited to, findings on the following issues:
 - a. What was the LN vehicle doing that could have reasonably been interpreted as hostile intent? Was the vehicle weighed down? Were the windows tinted? Did the vehicle match the description of a potential SVBIED/VBIED?
 - b. What measures, exactly, did the Soldiers use in their escalation of force (ex. hand and arm signals, shouting, whoopee light, horn etc...)?
 - c. Explain the placement of the warning shots. Were (b)(2)High fired? Did any rounds impact the vehicle or tire/s?
 - d. Did the LN pull her vehicle between (b)(2)High? How far apart were the (b)(2)High from one another? At what point did the Soldiers realize that the driver was female?
 - e. Did the Soldiers involved in the EOF receive ROE training? If so, when was the most recent training?
3. Additionally, provide a detailed sketch of the engagement area to include a falcon view image of the location of the EOF. Indicate where each EOF measure was taken to alert the driver in reference to the patrol. The intent is to visually capture the incident to the best of your ability.
4. Your investigation will be conducted IAW AR 15-6. During your investigation, you will interview and/or question numerous witnesses. You are directed to obtain sworn statements from all witnesses. In the event that you are unable to obtain a sworn statement from a witness, you will prepare a detailed memorandum for record (MFR) memorializing the witness interview and explaining why a sworn statement was not obtained. Witnesses that should be interviewed include:
 - a. All eyewitnesses and Soldiers involved in the patrol.
 - b. Any others you feel necessary to complete your investigation.
5. If, prior to or during any interview, you suspect an individual subject to the UCMJ of committing a UCMJ offense, you are required to advise that individual of his/her Article 31 rights, both orally

CENTCOM 018445

and in writing, before any interview or questioning may commence and/or continue. **There are no suspected offenses or offenders currently;** however, your investigation may cause you to suspect an offense, at which time you should advise the suspect of his right.

6. Upon completion of your investigation, you will make findings of fact regarding the issues addressed in paragraph 2 above and recommend appropriate action based on your findings. Your findings and recommendation will be recorded on a DA Form 1574. The completed findings and recommendation will be accompanied by all evidence obtained during your investigation as well as a separate chronology listing all significant activity from initial appointment as Investigating Officer to completion of the investigation, to include the granting of any extensions or delays to complete the investigation.

7. Before you begin your investigation, you must be briefed by a Brigade Judge Advocate. Prior to commencing your investigation, obtain copies of DA 2823 (Sworn Statement), DA 1574 (Report of Investigation), and any other forms or documents you may need. Ensure that you review all of the documents prior to beginning the investigation. If questions arise during your investigation, including developing an investigation plan, determining whether witnesses need to be advised of their rights under the UCMJ, Article 31 or the Fifth Amendment, and preparing findings and recommendations, consult with your legal advisor.

8. Upon completion of your investigation, submit the entire investigation to the Brigade Operational Legal Team (BOLT) on Camp Taji. Your investigation should be completed within 7 days of receipt of this memorandum. I must approve any delays. This investigation is your primary duty and takes precedence over all other assigned duties.

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

COL, IN
Commanding



DEPARTMENT OF THE ARMY
HEADQUARTERS
172d STRYKER BRIGADE COMBAT TEAM
CAMP TAJI, IRAQ APO AE 09378

REPLY TO
ATTENTION OF:

APVR-CJA

19 August 2006

MEMORANDUM FOR COL (b)(3),(b)(6), Commander, 172d Stryker
Brigade Combat Team, Baghdad, Iraq

SUBJECT: 15-6 Investigation into EOF Incident on 15 August 2006 by Recon
Platoon, 1-17 IN, vicinity (b)(2)High

1. I have reviewed the subject investigation and find that it is legally sufficient. The investigation has been conducted thoroughly and in accordance with the law and regulations. The findings and recommendations are supported by the evidence included in the investigation.

2. Please direct any questions to the undersigned at

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

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

CPT, JA
Brigade Judge Advocate

CENTCOM 018447

**DEPARTMENT OF THE ARMY
HEADQUARTERS, 1ST BATTALION, 17TH INFANTRY REGIMENT
CAMP TAJI, IRAQ
APO AE 09378**

APVR-WLBA-TIO

18 August 2006

MEMORANDUM FOR RECORD

SUBJECT: Report of Proceedings by Investigating Officer

1. On 15 August, 2006 I conducted an investigation of an incident involving Recon Platoon, 1-17 IN during a patrol on 151150AUG06 VIC (b)(2)High which led to an escalation of force which resulted in the death of one local national.

2. The following individuals were interviewed, and provided a sworn statement in substance as follows:

a. CPT (b)(3),(b)(6) Battalion Battle Captain, HHC, 1-17 IN.

1. Synopsis of Sworn Statement: Prior to the Recon PLT departing in support of Operation Persistent Endeavor, CPT (b)(3),(b)(6) briefed an elevated SVBIED/ VBIED threat to CPT (b)(3),(b)(6). Based off troop movement on the main MSR, they felt that the most likely enemy COA would be to attack CF while in route to and from the cordon and search area.

b. CPT (b)(3),(b)(6), Platoon Leader, Recon, 1-17IN.

1. Synopsis of Sworn Statement: Recon platoon (b)(2)High on 1AUG before moving to Baghdad. The PL and PSG received updated ROE training on the 10 August from the BDE JAG officer. That ROE training was disseminated to the PLT, (b)(2)High

During the pre-mission brief, the PL told the men about the elevated SVBIED/ VBIED threat, which would probably occur between Camp Taji and the objective. Most of the squad that rides on (b)(2)High has been together for the year of combat patrols in Mosul, Iraq and even prior to that at Fort Wainwright, Alaska. This particular squad has experienced two VBIED attacks while in Mosul and have unfortunately become subject matter experts.

The distance between vehicles was about (b)(2)High at approximately (b)(2)High mph. The PL was in the first vehicle in the order of movement. During the mounted patrol, at 1130L, at (b)(2)High (b)(2)High roughly the intersection of (b)(2)High (b)(2)High was aggressively maneuvered on by a civilian vehicle. The car was acting in a suspicious manner (b)(2)High and the squad reacted to defend itself. The (b)(2)High crew reacted to the threat by utilizing the CFLCC and MND-B, force continuum and rules of engagement, to protect themselves and government property from a perceived threat.

CENTCOM 018448

SSG (b)(3),(b)(6) called to inform the PL that (b)(2)High had an escalation of force and that there was one local national casualty. The PL immediately maneuvered the platoon to secure the scene where the car came to rest, so that they could determine if there was still a threat and assess the casualty. When the PL reached the car, his first Squad Leader notified him that the driver was a female and that she was DOA. He looked into the car and confirmed both. The PL asked a local IA patrol to request a local ambulance. Recon secured the scene and waited for the ambulance to arrive.

c. SSG (b)(3),(b)(6) Squad Leader, Recon PLT, 1-17 IN.

1. Synopsis of Sworn Statement: The convoy was traveling (b)(2)High in the South bound lane. The (b)(2)High was the third in the order of the movement. He saw a blue vehicle moving towards the convoy that was approximately about (b)(2)High. He ordered his driver to honk the bull horn. His vehicle commander, Sgt (b)(3)(b)(6), yelled out and did the hand and arm signal to stop. Sgt (b)(3)(b)(6) yelled in Arabic (AGAFE) and English (STOP). After his vehicle commander took appropriate action SPC (b)(3)(b)(6) honked the bull horn again. There was still no reaction from the vehicle, no attempts of making any stop. (b)(2)High was still moving about (b)(2)High m.p.h. and the car had accelerated to about (b)(2)High MPH. At about (b)(2)High the vehicle looked like it was about to cut into the convoy, so along with the vehicle commander, they yelled both in Arabic and English to stop while signaling with the non-firing hand. There was no response from the vehicle and by then he could see that there was only one person in the vehicle, (b)(2)High. The driver honked his bull horn once again. At about (b)(2)High the vehicle still looked like it was going to merge into the convoy so the vehicle commander gave a warning shot with (b)(2)High into the air and yelled once again in Arabic and English and also gave (b)(2)High. At about (b)(2)High, once again no reaction or any attempts for the vehicle to stop, so the vehicle commander shot another warning shot into the air and a split second after that he shot a warning shot with (b)(2)High into the air. At (b)(2)High after all the escalation of force, he fired one (b)(2)High into the left rear tire. There was still no reaction and by then the vehicle was too close. He thought it was a SVBIED because before they went out on patrol there was information from higher that there was an increased SVBIED threat. If (b)(2)High did not slow down throughout this whole incident then it would have run directly into the vehicle. The vehicle commander fired a controlled pair, two shots, into the vehicle, at the same time he shot a control pair into the vehicle, then it finally slowed down but not enough so then the vehicle commander shot another (b)(2)High into the vehicle. Then the vehicle ran into the right side of the guard rail on (b)(2)High. (b)(2)High He called it up to the PL and informed him of the escalation of force.

d. SGT (b)(3),(b)(6), Vehicle Commander, Recon PLT, 1-17 IN.

1. Synopsis of Sworn Statement: The PLT traveled by the on ramp to (b)(2)High (b)(2)High which was on his right side. (b)(2)High called out that a vehicle was moving towards us from the on ramp. SGT (b)(3)(b)(6) identified the vehicle to have 1 person, (b)(2)High. (b)(2)High He told my driver to honk his horn at approximately (b)(2)High and gave the hand and arm signal (the local version and the international closed fist) for the vehicle to stop while yelling "Awgaf". The vehicle disregarded and kept traveling at approximately (b)(2)High MPH. At (b)(2)High he gave the (b)(2)High and yelled for the vehicle to stop again. The driver was honking the horn the entire time this occurred. When the vehicle reached about (b)(2)High (b)(2)High SGT (b)(3)(b)(6) fired off his first warning shot in the air, then gave the vehicle the (b)(2)High

(b)(2)High as well as the verbal command in both English and Arabic to stop. At this time the driver veered off to the left and kept on honking the horn. SGT (3)(b) realized the vehicle ignored the first warning shot, he fired another warning shot straight into the air. Shortly after his second warning shot, SSG (3)(b) shot one warning shot into the air. At this time the vehicle was on (b)(2)High almost coming into the convoy. SSG (3)(b) then fired a disabling shot, shooting out the left rear tire. They both waited between 3-5 seconds, then realized the vehicle was not stopping at all or making any effort to pull over to the side of the road. SGT (3)(b) has personally been struck by a SVBIED and this vehicle was acting very suspiciously by not reacting to any of the warnings. SGT (3)(b) decided to take the lethal shot, the vehicle was approximately (b)(2)High away when he fired 2 rounds into the driver side back windshield. SSG (3)(b) then fired a (b)(2)High as well. The vehicle veered left and came very close to hitting (b)(2)High SGT (3)(b) fired 2 more rounds into the driver side rear windshield. The vehicle then veered off to the right, hitting the guard rail on the right side. (b)(2)High went around the vehicle and stopped at a safe distance just in case the vehicle was a SVBIED. After sliding on the guard rail, the vehicle finally came to a halt. The driver in the vehicle was dead on sight. As a result from this EOF, three warning shots total were fired, two by SGT (3)(b) and one by SSG (3)(b) one (b)(2)High was fired by SSG (3)(b) as well. Six lethal shots were fired, four from SGT (3)(b) and two from SSG (3)(b). The driver was also then identified to be a woman. We took pictures of the vehicle, her ID and the damage.

SGT (3)(b) felt that the vehicle was driving dangerously the entire time. He qualified to use the (b)(2)High and (b)(2)High. He made the decision to fire the lethal shot because he felt very threatened by the driver's lack of response and continued speed and direction. Prior to going out on mission that day the PLT was briefed intelligence that there was an increased threat of SVBIED's and IED's. The PLT had been hit by an IED approximately four days prior at the vicinity of where this incident occurred.

e. SGT (b)(3)(b)(6), Rifleman, Recon PLT, 1-17 IN.

1. Synopsis of Sworn Statement: He then turned his attention to the top of the on ramp to cover any vehicles coming down it. At this time SPC (b)(3)(b)(6) began blowing the (b)(2)High horn and SGT (3)(b) was yelling "Awgaf". He looked for the vehicle, however the armor was too high and the vehicle was out of his view. SPC (b)(3)(b)(6) kept blowing the horn and SGT (3)(b) was still yelling at the car giving it the hand signal to stop. SPC (b)(3)(b)(6) then began to veer left and slow the vehicle. At the end of the on ramp and SGT (3)(b) fired a warning shot into the air. He then yelled for the vehicle to stop in Arabic and gave (b)(2)High to stop. (b)(3)(b)(6) was still blowing the horn and moving to avoid the vehicle merging into the vehicle. With a one to two second break, SGT (3)(b) fired another warning shot into the air. SGT (3)(b) yelled at the vehicle again and signaled for it to stop again. (b)(3)(b)(6) was still moving away and blowing the horn. SSG (3)(b) fired the next warning shot and presented all of the previous signals. There was another single shot that he believes was the tire shot. Then SSG (3)(b) and SGT (3)(b) were yelling for the vehicle to stop, and giving hand signals for about three to five seconds. SPC (b)(3)(b)(6) was still on the horn and trying to avoid the vehicle. Then there were six kill shots fired. (b)(2)High then sped past the car and stopped after it. The car stopped shortly after the kill shots entered it. We then moved to do the follow up assessment.

In the past, February 2006 and June 2006, the PLT was hit by a VBIED and a SVBIED. In each incident friends and fellow soldiers were hurt. A cracked skull and jaw, a severely fractured hand, and a lost eye. The second incident caused a catastrophic loss of a (b)(2)High

Throughout the past year we have never let anyone into our convoy and if someone did they blew us up. There was also an IED in the same place four days earlier.

f. SPC (b)(3),(b)(6) Driver, Recon PLT, 1-17 IN.

1. Synopsis of Sworn Statement: The morning intelligence briefing prior to rolling outside the wire, the PLT was briefed about increased amount of IED's and VBIED threats. Recon was traveling south bound on (b)(2)High and the order of movement was (b)(2)High (b)(2)High. He was driving at a speed of 35 mph when his VC noticed a blue Chevy Celebrity (b)(2)High away traveling on the on ramp to (b)(2)High. The vehicle commander ordered me to sound the (b)(2)High horn to try to get the vehicle to stop. He heard SGT (b)(3),(b)(6) yelling at the driver to stop in Arabic. The vehicle did not stop. He sounded the (b)(2)High horn twice again at (b)(2)High and both SGT (b)(3),(b)(6) and SSG (b)(3),(b)(6) were trying to yell at the driver to try to get it to stop. He sounded the (b)(2)High horn twice again at (b)(2)High and both SGT (b)(3),(b)(6) and SSG (b)(3),(b)(6) were still trying verbally to get the vehicle to stop. The vehicle still did not show any signs of pulling over nor any attempt to slow down. The vehicle was now (b)(2)High way to our front and almost completely on (b)(2)High. SGT (b)(3),(b)(6) ordered him to slow down and sound his (b)(2)High horn again. The LN vehicle picked up speed and started to head towards the middle of the convoy. At the same time he heard a total of three shots. He sounded the (b)(2)High horn twice again at (b)(2)High from the vehicle and now it is in the middle of our convoy. At this point I was afraid that the vehicle might have been an SVBIED. He heard a single shot that hit the driver side rear tire of the car. The vehicle's stop lights never turned on and it never veered right, the vehicle seemed to completely disregard the warnings to pull over. He slowed the vehicle speed down to about (b)(2)High mph and sounded the horn again when the vehicle was (b)(2)High away from the PLT. At that point he heard a total of about 4 to 6 shots. He saw the shots impact the far left side of the rear windshield.

On February 2006, the PLT was hit with a VBIED. SSG (b)(3),(b)(6) was seriously injured. He received a cracked skull and broken jaw due to the attack. The rest of the men in the squad had minor injuries. Then on June 2006, the PLT was hit with a SVBIED. His platoon leader, CPT (b)(3),(b)(6) lost an eye, SGT (b)(3),(b)(6) had a severely fractured arm and SGT (b)(3),(b)(6) had a ball bearing lodge into his arm. The rest of the men in the squad had minor injuries, the vehicle (b)(2)High was a catastrophic loss.

3. After conducting an investigation, my understanding of the Escalation of Force incident that occurred 151150AUG2006 is as follows:

On 15JUL06 Recon/1-17 was briefed on increased VBIED/ SVBIED threat in our area of operations. The Recon platoon has been operating in Mosul for the past year conducting high risk operations of close target reconnaissance on daily basis. Recon has been hit by VBIED/ SVBIED on two separate occasions in Mosul where Soldiers were critically wounded. The first VBIED in February 2006 resulted in two Recon WIA and four local nationals WIA. The second SVBIED, occurring just two months ago, resulted in six Recon WIA, catastrophic vehicle damage, five locals WIA, and one local KIA. Just four days prior to the Recon EOF, the platoon was hit by an IED that occurred within a short distance of the EOF in question. This background information and events help create the mindset of the Recon PLT Soldiers. Though the Soldiers were briefed that the VBIED threat is lower in Baghdad, it is not a mindset that can be simply

reversed after 365 days of conditioning. The mental mindset along with the briefed increased VBIED threat, created a heightened sense of awareness for SVBIED/ VBIEDs.

The local national female, Mrs. (b)(6) did not respond to the EOF procedures. Mrs. (b)(6) actions of maintaining her direction and speed were consistent with previous SVBIED attacks and (b)(2)High. The usual non-threatening actions of pulling over to the side of the road and turning on the vehicle flashers would have prevented Recon from (b)(2)High. Recon identified that the vehicle was a single occupant, but was unable to identify if the driver was male or female. (b)(2)High

(b)(2)High
At the initial sighting of Mrs. (b)(6) vehicle, Recon went through text book escalation of force procedures by (b)(2)High

(b)(2)High

(b)(2)High This all occurred at an estimated (b)(2)High or less. Mrs. (b)(6) despite all these warnings and having a shot out rear left tire, continued her speed and direction towards the Recon PLT. Recon deemed after those steps and the continuation of irrational and dangerous behavior exhibited by Mrs. (b)(6) that deadly force was necessary. A total of six lethal shots were fired by (b)(2)High causing the local national vehicle to slow and run into the guard rail finally coming to a halt on (b)(2)High.

After the EOF, the platoon leader was notified and the platoon cordoned the area to investigate the vehicle. Upon approach of the vehicle, they realized the driver was shot, female, and soon after that she was dead. They immediately requested an ambulance and also began a search of the vehicle. Recon conducted through SSE of Mrs. (b)(6) vehicle and determined that there was no contraband present. They notified Mr. (b)(6) of his wife's death and issued a claims form. Her residence is vicinity of (b)(2)High. Battalion plans to deliver the condolence payment on 22AUG, in the amount of \$2,500.00.

4. Based upon all the facts presented and statements provided, my findings and recommendations are as follows:

a. FINDINGS:

- I find no ROE violation involved in the incident, the approaching vehicle (possible SVBIED) was perceived as an immediate threat to the platoon.
- I find that the soldiers on the ground understood ROE and acted in accordance with it. The PL and PSG had attended an ROE refresher five days prior by the BDE legal officer to the battalion. The PL and PSG disseminated the training to the Soldiers.
- I find no escalation of force violation in the incident by any of the soldiers involved in the engagement.
- I find it very likely that the Local National was the primary cause of the incident due to her failure to notice US Forces or respond in a non-threatening manner.
- I find no fault on behalf of any US Soldier in regard to this incident.
- I find that the U.S. Army should make a condolence payment to the family for the loss of Mrs. (b)(6) and for the damage to her vehicle.

b. KEY HIGHLIGHTS / SUMMARY OF INVESTIGATION:

- It was very bright, those conditions made it difficult for the LN to see the EOF procedures. Likewise the Soldiers could not determine if the single occupant was male or female.
- The EOF was text book, to include: (b)(2)High

(b)(2)High

- The lack of response after warning shots and (b)(2)High increased the perceived SVBIED threat in the minds of the soldiers.
- While it is unfortunate that a local national was killed, all EOF policies and procedures were followed by the Soldiers.

c. RECOMMENDATIONS: (b)(2)High

(b)(5)

4. POC is the undersigned, located at the 1-17IN TOC, Camp Taji, IRAQ.

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

CPT, IN
Battalion S3 Air

15 Enclosures

1. Memorandum of Appointment
2. 11 JUN 06 RECON SVBIED
3. 26 FEB RECON VBIED
4. 1-17 IN SIGACT dated 100900AUG06
5. 1-17 IN SIGACT dated 151150AUG06
6. 1-17 IN Storyboard for SIR on 15AUG06
7. 1-17 IN SIR dated 15AUG06
8. Falcon View incident depiction (4 pages)
9. Picture of LN and LN vehicle (2 pages)
10. Sworn Statement of CPT
11. Sworn Statement of CPT
12. Sworn Statement of SSG
13. Sworn Statement of SGT (b)(3),(b)(6)
14. Sworn Statement of SGT
15. Sworn Statement of SPC

Page 11 redacted for the following reason:

Foreign Language Text, (b)(6)

SWORN STATEMENT

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

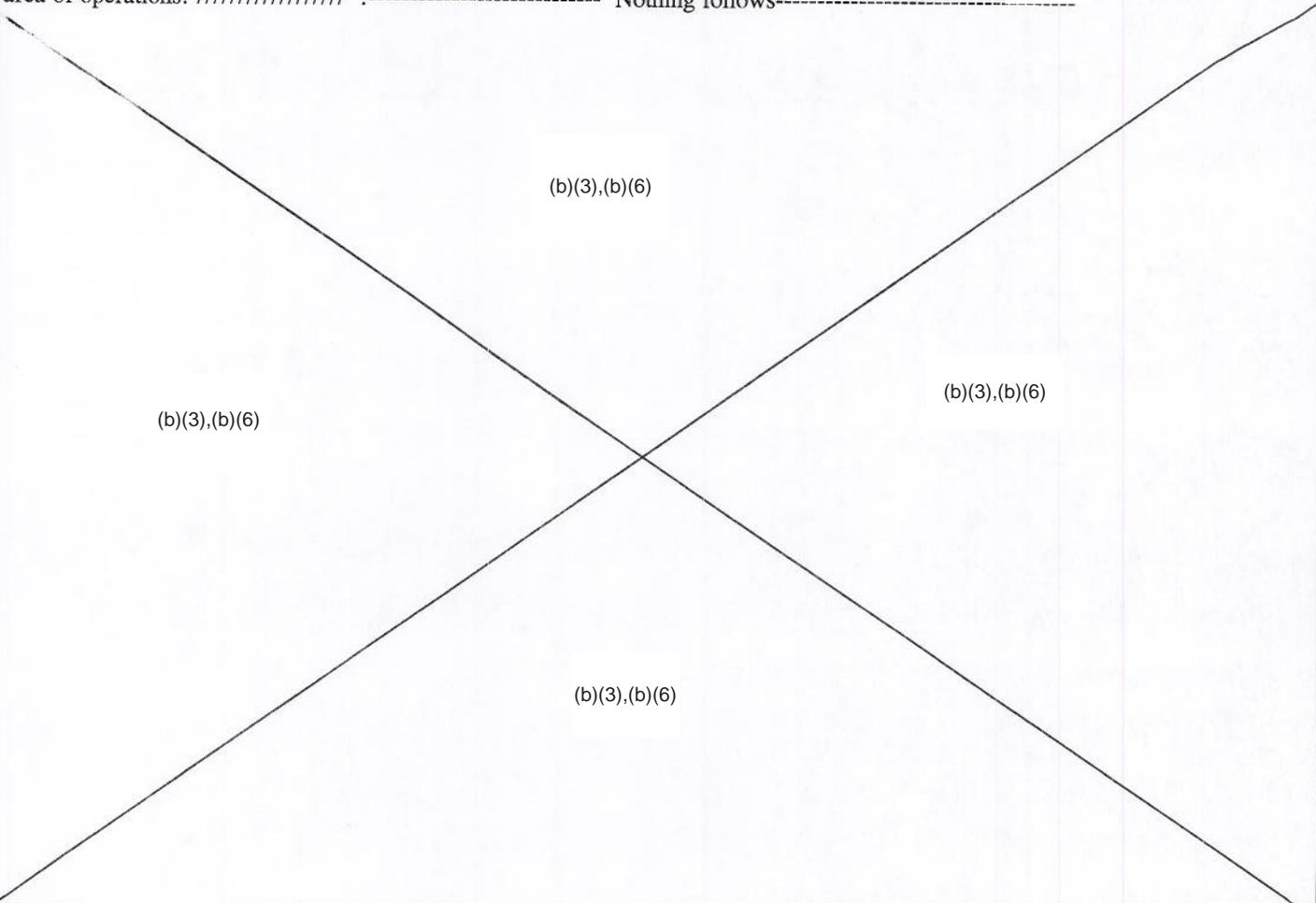
PRIVACY ACT STATEMENT

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
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 CAMPTAJI, IRAQ	2. DATE (YYYYMMDD) 2006/08/16	3. TIME 1705	4. FILE NUMBER
5. LAST NAME. FIRST NAME. MIDDLE NAME (b)(3),(b)(6)	6. SSN (b)(3),(b)(6)	7. GRADE/STATUS CPT	
8. ORGANIZATION OR ADDRESS S-3/HHC 1/17IN REGT, TAJI, IRAQ 09378			

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

The 1/17IN S-2 Current Ops duty desk verbal briefed me about a report from Div. of an elevated SVBIED/VBIED threat associated with OPERATION PERSISTENT ENDEAVOR during the morning of 15AUG05. Before every patrol, the PLT PL is required to receive a current situation/threat brief from the BN BTL CPT. During the current situation brief to CPT)(3),(b)(later in the morning; I brief him on an elevated SVBIED/VBIED threat in sector. CPT)(3),(b)(asked if we had more information/description of the possible SVBIED/VBIED vehicle. We checked and no description was given from BDE/DIV in their report to us. Since the search area was cordon off CPT)(3),(b)(and myself felt the AIF would target (b)(2)Highmoving to and from the area of operations. //////////////// .----- Nothing follows-----



10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3),(b)(6)	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

9. STATEMENT (Continued)

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

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

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

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

AFFIDAVIT

I, (b)(3)(b)(6), 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 INDUCEMENT.

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

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 16 day of AUGUST, 2006 at Camp Taji, Iraq

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

(b)(3),(b)(6)
(Typed Name of Person Administering Oath)

ART 136
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 0 PAGES

SWORN STATEMENT

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

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
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 Camp Taji, Iraq APO-AE 09378 (3),(b)	2. DATE (YYYYMMDD) 2006/08/15 (3),(b)	3. TIME 1700 (3),(b)	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3),(b)(6)	6. SSN (b)(3),(b)(6)	7. GRADE/STATUS (3),(b) O-3/USA	
8. ORGANIZATION OR ADDRESS RECON, HHC, 1st BN, 17th IN Camp Taji, Iraq APO-AE 09378 (3),(b)			

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

I was the patrol leader for a mounted patrol in Baghdad, Iraq. My third (b)(2) High in the order of movement, among four (b)(2) High was (b)(2) High. In the Squad Leader hatch was my third Squad Leader, SSG (3),(b)(6) in the vehicle commander's hatch was his vehicle commander, SGT (3),(b) in the right rear air guard hatch was his senior scout, SGT (3),(b) and driving was SPC (3),(b)(6). During the mounted patrol, at 1130L, at (b)(2) High, roughly the intersection of (b)(2) High, (b)(2) High was aggressively maneuvered on by a civilian vehicle. The (b)(2) High and the crew previously described reacted to the threat by utilizing the CFLCC and MND-B, force continuum and rules of engagement, to protect themselves and government property from a perceived threat.

(b)(2) High was traveling South on (b)(2) High when a light blue Chevrolet Celebrity, Baghdad plate (b)(6) entered the on ramp to merge onto (b)(2) High and accelerated towards the main avenue, reaching about 20 mph. SGT (3),(b) identified the car early and relayed to his driver to begin signaling to the driver of the car in an attempt to warn them of our presence. At roughly (b)(2) High and it's crew used the (2) High horn, at (2) High the (2) High horn, (b)(2) High and verbal shouts of "Awgah" were used. The car or driver made no indication that it would deviate its course. At about (b)(2) High all above mentioned signals were given and SPC (b)(3),(b)(6) also began slowing down from 20 mph to about 20 mph and veering left to avoid the car. At (b)(2) High the first warning shots were fired into the air by SGT (3),(b) and then SSG (3),(b)(6) in conjunction with all of the other signals being used at the time. At (b)(2) High SSG (3),(b)(6) fired one disabling shot into the driver's side rear tire. At this point the car was on (b)(2) High and moving into the convoy, and would have collided with (b)(2) High, had SPC (b)(3),(b)(6) not changed course. Even when the tire was shot out, the car stayed on course and became part of our convoy. (b)(2) High and crew waited to see the reaction of the car, and the car made no attempt to slow down, no brake lights ever came on, nor did the car move over.

After a pause to see what the car would do, it became apparent that the car was positioning itself to either accelerate and try to catch my second (b)(2) High or suddenly stop to run into (b)(2) High. At this point SSG (3),(b)(6) and SGT (3),(b) began to fire lethal shots at the car to eliminate the threat to the vehicles and their crews. After the lethal fire, the car decelerated and came to rest against the guard railing. SSG (3),(b)(6) radioed to me, in the lead (b)(2) High that (b)(2) High had an escalation of force and that there was one local national casualty. I immediately maneuvered the platoon to secure the scene where the car came to rest, so that we could determine if there was still a threat and assess the casualty.

When I reached the car my first Squad Leader notified me that the driver was a female and that she was DOA. I looked into the car myself and confirmed both.

There were Iraqi Army soldiers nearby, conducted a static security position underneath an overpass, that moved on site and assisted with securing the scene. I asked them to request a local ambulance.

We secured the scene and waited for the ambulance to arrive.

My entire platoon re-zeroed their personal weapons before moving to Baghdad, on the 1st of August. Myself and my Platoon Sergeant received re-newed ROE training on the 10th of August from the BDE JAG officer. We disseminated the information, (b)(2) High. The distance between vehicles, about (b)(2) High depending on speed, and the speed of the convoy are set by me.

Continued on next page (3),(b)(6)

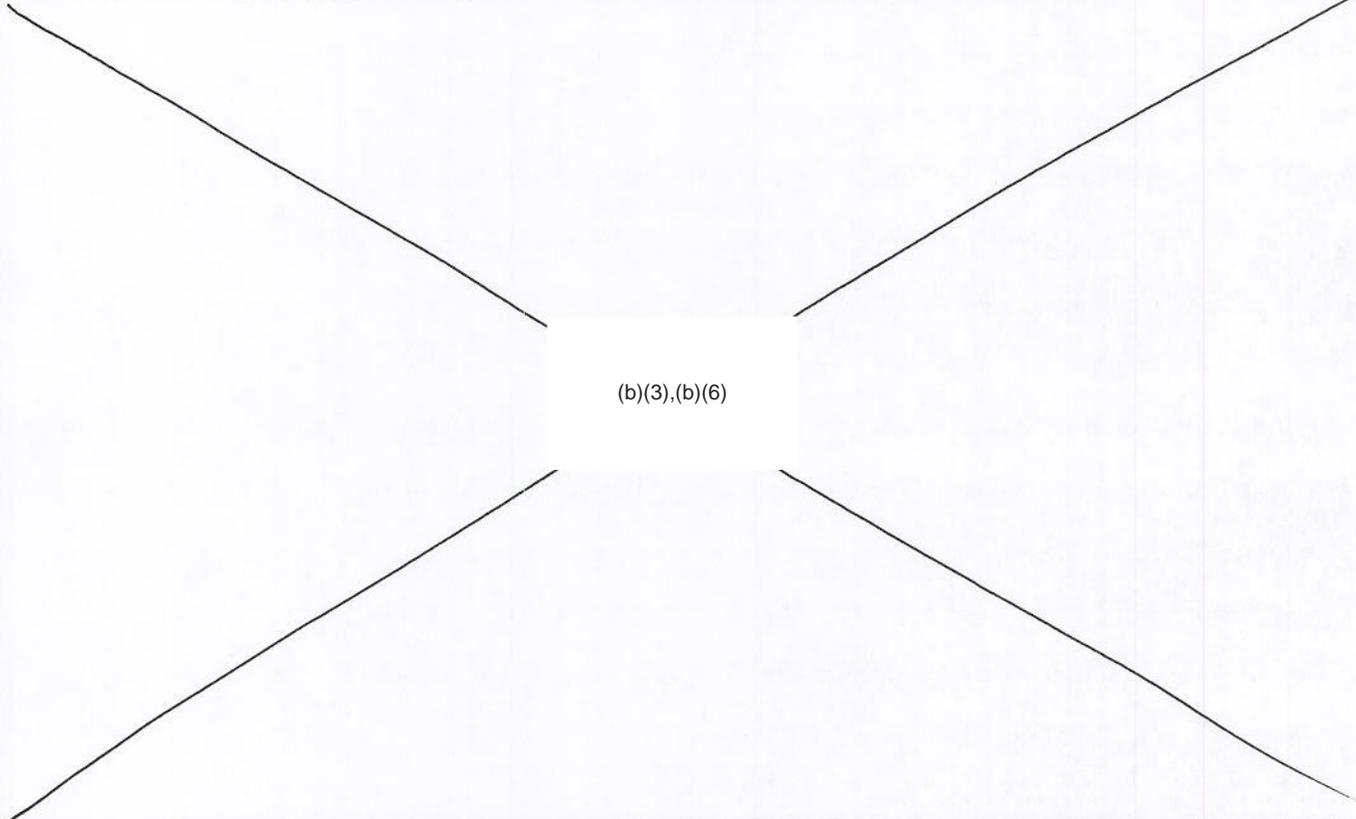
10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3),(b)(6)	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

9. STATEMENT (Continued)

During the pre-mission brief, I told the men that I was warned at the Battalion TOC about an increased threat of a (S)VBIED attack, which would probably occur between Camp Taji and the objective. Most of the squad that rides or (b)(2)High has been together for the year of combat patrols in Mosul, Iraq and even prior to that at Fort Wainwright, Alaska. This particular squad has experienced a SVBIED attack twice while in Mosul and have unfortunately become subject matter experts. The car was acting in a suspicious manner matching current TTPs for SVBIEDs, and the squad reacted to defend itself.

End of Statement _____) (3),(b)(6)



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

AFFIDAVIT

I, CPT (b)(3),(b)(6) _____) (3),(b)(6) _____, 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 _____ THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE

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

(Signature of Person Making Statement)

V

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 15 day of AUGUST, 2006 at Camp Taji, Iraq APO-AE 09378

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

^{(3)(b)}
Recon, HHC, 1-17IN
ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

CPT (b)(3),(b)(6) _____
(Typed Name of Person Administering Oath)

ARTICLE 136 (b)(4) UCMJ
(Authority To Administer Oaths)

SWORN STATEMENT

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

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
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 Camp Taji, Iraq APO-AE 09378 (3),(b)	2. DATE (YYYYMMDD) 2006/08/15 (3),(b)	3. TIME 1700 (3),(b)	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3),(b)(6)	6. SSN (b)(3),(b)(6)	7. GRADE/STATUS E-6/USA (3),(b)	

8. ORGANIZATION OR ADDRESS
RECON, HHC, 1st BN, 17th IN Camp Taji, Iraq APO-AE 09378 (3),(b)

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

On 20060815 1130 HRs @ grid (b)(2)High Sage 3 had an escalation of force. Our convoy was traveling south on (b)(2)High in the South bound lane. Spc (3),(b)(6) was my driver, Sgt (3),(b) was my vehicle commander, I was in the squad leader hatch, and our (b)(2)High was the third in the order of the movement. When I glanced over to the right side I saw a blue vehicle moving towards our convoy that was approximately about (b)(2)High. I had my driver honk his bull horn. My vehicle commander, Sgt (3),(b) yelled out and did his (b)(2)High to stop. Sgt (3),(b) yelled in Arabic (AGAFE) and English (STOP). After my vehicle commander took appropriate action my driver Spc (b)(3),(b)(6) honked his bull horn again, and still there was no reaction from the vehicle, no attempts of making any stop, and we did not see any break lights. My (b)(2)High was still moving about (b)(2)High m.p.h. and the car had accelerated to about (2)HMPH. At about (b)(2)High the vehicle looked like it was about to cut into our convoy, so along with my vehicle commander, we yelled both in Arabic and English to stop while signaling with mv non-firing hand. There was no response from the vehicle and by then I could see that there was only one person in the vehicle, (b)(2)High (b)(2)High and my driver honked his (2)High horn once again. At about (b)(2)High the vehicle still looked like it was going to merge into our convoy so my vehicle commander gave a warning shot with his (b)(2)High into the open air and yelled once again in Arabic and English and also gave a (b)(2)High. At about (b)(2)High once again no reaction or any attempts for the vehicle to stop, so my vehicle commander shot another warning shot into the air and a split second after that I shot a warning shot with (b)(2)High into the air. At (b)(2)High after the vehicle ignored three warning shots and numerous (b)(2)High and verbal shouting and numerous bull horn from my driver, I gave a (b)(2)High to the vehicle; I shot at the left rear tire. There was still no reaction and by then my vehicle was too close. I thought it was a SVBIED because before we went out on our patrol there was information from higher that there was an increased SVBIED threat. After I tried (b)(2)High the vehicle it continued to move and cut into the convoy and if we did not slow down throughout this whole incident then we would have run directly into the vehicle. My vehicle commander fired a controlled pair, two shots, into the vehicle, at the same time I shot a control pair into the vehicle, then it finally slowed down but not enough so then my vehicle commander shot another control pair into the vehicle. So there was a total of 6 lethal shots from my vehicle four from my vehicle commander and two from me. Then after the vehicle ran itself into the right side of the guard rail on (b)(2)High I called it up to my six element and told him that we just had a escalation of force. (3),(b)

End of Statement (3),(b)(6)

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (3),(b)(6)	(3),(b)(6) PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ TAKEN AT _____ DATED _____"
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

9. STATEMENT (Continued)

(This section of the document is crossed out with a large X and contains redacted text.)

AFFIDAVIT

(3),(b)1, SSG (b)(3),(b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2 (3),(b)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 COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(b)(3),(b)(6) _____
g Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 15 day of AUGUST, 2006 at Camp Taji, Iraq APO-AE 09378

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

Recon, HHC, 1-17IN
ORGANIZATION OR ADDRESS

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

ORGANIZATION OR ADDRESS

CPT (b)(3),(b)(6) _____
(Typed Name of Person Administering Oath)

ARTICLE 136 (b)(4) UCMJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT
(3),(b)1

PAGE 2 OF 2 (3),(b)1 PAGES

SWORN STATEMENT

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

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
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 Camp Taji, Iraq APO-AE 09378 (3),(b)	2. DATE (YYYYMMDD) 2006/08/15 (3),(b)	3. TIME (3),(b) 1700	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3),(b)(6)	6. SSN (b)(3),(b)(6)	7. GRADE/STATUS E-5/USA (3),(b)	

8. ORGANIZATION OR ADDRESS (3),(b)
RECON, HHC, 1st BN, 17th IN Camp Taji, Iraq APO-AE 09378

9. (3),(b) SGT (b)(3),(b)(6) _____, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 20060815 1130 HRs @ grid (b)(2)High Sage 3 had an escalation of force. The personel involved in it were SSG (3),(b) (Squad Leader), SGT (3),(b) (senior scout), SPCb (3),(b) (6) (driver) and myself as the vehicle commander. Our platoon was traveling South, the order of movement being HQ 201, 204, 203, and 202 on route Brewer. We came by an on ramp to (b)(2)High (b)(2)High which was on my right side. HO 204 called out that a vehicle was moving towards us from the on ramp. I identified the vehicle to have 1 person, (b)(2)High I told my driver to honk his horn at approximately (b)(2)High, and I also gave the hand and arm signal (the local version and the international closed fist) for the vehicle to stop while yelling "Awgaf". The vehicle disregarded and kept traveling at approximately (2)HMPH. At (b)(2)High I gave the hand and arm signal and yelled for the vehicle to stop again. My driver was honking the horn the entire time this was occurring. When the vehicle got to about (b)(2)High I fired off my first warning shot in the air, then gave the vehicle the (b)(2)High as well as the verbal command in both English and Arabic to stop. At this time my driver veered off to the left and kept on honking the horn. When I realized the vehicle ignored my first warning shot, I shot another warning shot straight into the air. Shortly after I shot my warning shot, SSG (3),(b) shot one as well, shooting it straight up into the air. At this time the vehicle was on (b)(2)High almost coming into our convoy and our direction of travel. SSG (3),(b) then shot a disabling shot, shooting out the left rear tire. We waited between 3-5 seconds, when I realized the vehicle was not stopping at all or making any effort to pull over to the side of the road. I have personally been struck by a SVBIED and this vehicle was acting very suspiciously by not reacting to any of our warnings. I then decided to take the lethal shot, the vehicle was approximately (b)(2)High away from our position. I shot 2 rounds into the driver side back windshield, followed by SSG (3),(b). When the vehicle veered left and came very close to hitting our vehicle, I shot off 2 more rounds off into the driver side rear windshield. After the 2 rounds hit the vehicle, the vehicle veered off to the right, hitting the guard rail on the right side. We went around the vehicle and stopped at approximately (b)(2)High away, getting to a safe distance just in case the vehicle was a SVBIED. After sliding on the guard rail, the vehicle finally came to a halt. After assessing the damage we determined the vehicle to have taken shots to the back windshield as well as one round that had gone through the front windshield. The warning shots were all directed straight into the air, but the vehicles rear left tire was blown out when SSG (3),(b) shot out the tire. The driver in the vehicle was dead on sight when we came upon it. As a result from this EOF, three warning shots total were fired, two by myself and one by SSG (3),(b) and one disabling shot was fired by SSG (3),(b). Six lethal shots were fired. After everything was assessed our leadership called up to higher and cordoned off the area. Shortly after the IA's were on sight with a red crescent ambulance to police up the body. The driver was also then identified to be a woman. We took pictures of the vehicle, her ID and the damage.

I felt that the vehicle was driving dangerously the entire time. I made sure to follow the rules of engagement. I am qualified to use the (b)(2)High. My first round was a tracer round although it was very hard to see because of the brightness of the day and the time this incident has occurred. I made the decision to fire the lethal shot because I felt very threatened by the driver's lack of response and continued erratic driving. Prior to going out on mission that day we were briefed intelligence that there was an increased threat of SVBIED's and IED's. We had been hit by an IED approximately four days prior at the vicinity of where this incident occurred. If I could have avoided this incident I would have, but the way the individual was driving at the time, it gave me the impression that it was an SVBIED. Even in following the rules of engagement the person never seemed to make a conscious effort to stop. Having experienced an SVBIED and also a few IED's, it led me to believe that the vehicle was a high threat to my squad and platoon.

End of Statement. (3),(b)

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

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9. STATEMENT (Continued)

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

AFFIDAVIT

(3),(b) I, SGT (b)(3),(b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 23, (b) 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 INDUCEMENT. (3),(b)

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

(Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 15 day of AUGUST, 2006 at Camp Taji, Iraq APO-AE 09378

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

(b)(3),(b)(6) _____
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS _____

CPT (b)(3),(b)(6) _____
(Typed Name of Person Administering Oath)

ARTICLE 136 (b)(4) UCMJ
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS _____

INITIALS OF PERSON MAKING STATEMENT _____
(b)(3),(b)(6)

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
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1. LOCATION Camp Taji, Iraq APO-AE 09378	2. DATE (YYYYMMDD) 2006/08/15	3. TIME 1700	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3),(b)(6)	6. SSN (b)(3),(b)(6)	7. GRADE/STATUS E-5/USA	
8. ORGANIZATION OR ADDRESS RECON, HHC, 1st BN, 17th IN Camp Taji, Iraq APO-AE 09378			

9. I, SGT, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

At approximately 1130 we were traveling south on (b)(2)High at grid location (b)(2)High where we just came out from under an overpass. The following soldiers were manning the Stryker: SPC (b)(3),(b)(6) (Driver), SGT (b)(3),(b)(6) (Vehicle Commander), SSG (b)(3),(b)(6) (Squad Leader), SGT (b)(3),(b)(6) (Senior Scout), and SGT (b)(3),(b)(6) (Scout). As we came out from under the overpass SGT (b)(3),(b)(6) and I turned to the top of the overpass to cover it. I then turned my attention to the top of the on ramp to cover any vehicles coming down it. At this time SPC (b)(3),(b)(6) began blowing the (2)H horn and SGT (b)(3),(b)(6) was yelling "Awgaf". I looked for the vehicle, however the armor was too high and out of my view. SPC (b)(3),(b)(6) kept blowing the horn and SGT (b)(3),(b)(6) was still yelling at the car giving it the hand signal to stop. SPC (b)(3),(b)(6) then began to veer left and slow the vehicle. We were coming up on the end of the on ramp and SGT (b)(3),(b)(6) fired a warning shot into the air. He then yelled for the vehicle to stop in Arabic and gave a (b)(2)High signal to stop. SGT (b)(3),(b)(6) was still blowing the horn and moving to avoid the vehicle merging into or in front of us. With a one to two second break SGT (b)(3),(b)(6) fired another warning shot into the air. SGT (b)(3),(b)(6) yelled at the vehicle again and signaled for it to stop again. SGT (b)(3),(b)(6) was still moving away and blowing the horn. SSG (b)(3),(b)(6) fired the next warning shot and presented all of the previous signals. There was another single shot that I believe was the tire shot. Then SSG (b)(3),(b)(6) and SGT (b)(3),(b)(6) were yelling for the vehicle to stop, and giving (b)(2)High or about three to five seconds. SPC (b)(3),(b)(6) was still on the horn and trying to avoid the vehicle. Then there were six kill shots fired. Our (b)(2)High then sped past the car and stopped after it. The car stopped shortly after the kill shots entered it. We then moved to do the follow up assessment.

In the past, February 2006 and June 2006, we were hit by a vbied and a svbied. In each incident one of our friends and fellow soldiers were hurt. A cracked skull and jaw, a severely fractured hand, and a lost eye. The second incident caused a catastrophic lost of a (b)(2)High Throughout the past year we have never let anyone into our convoy and if someone did they blew us up. There was also an IED in the same place four days earlier. I believe they were acting out of a true feeling of threat to themselves and others in the (b)(2)High
End of statement. (b)(3),(b)(6)

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

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CENTCOM 018463

9. STATEMENT (Continued)

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

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

AFFIDAVIT

I, SGT (b)(3),(b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2 (b)(3),(b)(6). 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.

(b)(3),(b)(6)
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 15 day of AUGUST, 2006 at Camp Taji, Iraq APO-AE 09378

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

ORGANIZATION OR ADDRESS

(b)(3),(b)(6)
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

CPT (b)(3),(b)(6)
(Typed Name of Person Administering Oath)

ARTICLE 136 (b)(4) UCMJ
(Authority To Administer Oaths)

SWORN STATEMENT

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1. LOCATION Camp Taji, Iraq APO-AE 09378 (3),(b)(6)	2. DATE (YYYYMMDD) 2006/08/15 (3),(b)(6)	3. TIME 1700 (3),(b)(6)	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3),(b)(6)	6. SSN (b)(3),(b)(6)	7. GRADE/STATUS E-4/USA (3),(b)(6)	

8. ORGANIZATION OR ADDRESS
RECON, HHC, 1st BN, 17th IN Camp Taji, Iraq APO-AE 09378 (3),(b)(6)

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

(3),(b)(6)
On 20060815, Sage 3 had an escalation of force incident. I was in the driver's hatch of vehicle (b)(2)High, SSG (3),(b)(6) was in the Squad Leader's hatch, which is directly behind the driver's hatch, SGT (3),(b)(6) was in the VC's hatch, which is next to the Squad Leader's hatch, and SGT (3),(b)(6) was in the rear right air guard hatch. The EOF incident happened at 1130 hours at grid (b)(2)High (b)(2)High. We were traveling south bound on (b)(2)High and the order of movement was (b)(2)High (b)(2)High. My vehicle commander ordered me to sound the (2)Horn to try to get the vehicle to stop. So I did. I heard SGT (3),(b)(6) yelling at the driver to stop in Arabic. The vehicle did not stop. I sounded the (2)Horn twice again at (b)(2)High and both SGT (3),(b)(6) and SSG (3),(b)(6) were trying to yell at the driver to try to get it to stop. I sounded the (2)Horn twice again at (b)(2)High and both SGT (3),(b)(6) and SSG (3),(b)(6) were still trying verbally to get the vehicle to stop. The vehicle still did not show any signs of pulling over nor any attempts to slow down, the vehicle is now (b)(2)High away to our front and almost completely on route Brewers. SGT (3),(b)(6) orders me to slow down and sound my (2)Horn again. The vehicle picked up speed and starts to head towards the middle of our convoy. At the same time I heard a total of three shots. I sound the (2)Horn twice again at (b)(2)High from the vehicle and now it is in the middle of our convoy. At this point I was afraid that the vehicle might have been an SVBIED. The morning intelligence briefing prior to rolling outside the wire, which said there was an increased amount of IED's and VBIED threats made me cautious in my actions. I heard a single shot that hit the driver side rear tire of the car. The vehicle's stop lights never turned on and it never veered right, the vehicle also seemed to completely disregard our warnings to pull over. I slowed my speed down to about (2)Hmph and I sounded my horn again when the vehicle was (b)(2)High away from our position. At that point I heard a total of about 4 to 6 shots. I saw the shots impact the far left side of the rear windshield. After the initial assessment, we found out that the driver was killed. Our leadership had then called up to higher about the situation. I was then directed to cordon off the incident area.

I would like to add that on February 2006, we were hit with a VBIED. SSG (3),(b)(6) was seriously injured. He received a cracked skull and broken jaw due to the attack. The rest of the men in the squad had minor injuries. Then on June 2006, we were hit with a SVBIED. My platoon leader, CPT (3),(b)(6) lost an eye, SGT (b)(3),(b)(6) had a severely fractured arm and SGT (3),(b)(6) had a ball bearing lodge into his arm. The rest of the men in the squad had minor injuries once again and our vehicle, (b)(2)High was a catastrophic loss, all due to the attack. Coincidentally, the only time a vehicle entered into our convoy, was the time that we were hit with a very serious attack. Considering what I have just mentioned and the fact that we were hit with an IED in that same exact location just 4 days earlier, I truly believe that SSG (3),(b)(6) and SGT (3),(b)(6) acted out of concern not only for themselves but for the rest of the squad in the (b)(2)High as well.

End of statement. (3),(b)(6)
(b)(3),(b)(6)
(b)(3),(b)(6)
(b)(3),(b)(6)
(b)(3),(b)(6)

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT (b)(3),(b)(6)	(3),(b)(6) PAGE 1 OF 2 PAGES
-------------	--	---------------------------------

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _____ 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.

9. STATEMENT (Continued)

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

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

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

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

AFFIDAVIT

I, SPC (b)(3),(b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2 (b)(3),(b)(6) 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

(b)(3),(b)(6) _____
Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 15 day of AUGUST, 2006 at Camp Taji, Iraq APO-AE 09378

(b)(3),(b)(6) _____
ORGANIZATION OR ADDRESS

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

ORGANIZATION OR ADDRESS

CPT (b)(3),(b)(6) _____
(Type name of Person Administering Oath)
ARTICLE 136 (b)(4) UCMJ
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT
(b)(3),(b)(6)

(b)(3),(b)(6) (b)(3),(b)(6)
PAGE 2 OF 2 PAGES

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) (Appointing authority)

on 15AUG2006 (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 (Place) at (Time)

on (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 (Time) on (Date)

and completed findings and recommendations at (Time) on (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES YES NO NA

- 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 circumstance described in the question did not occur in this investigation or board.

CENTCOM 018467

		YES	NO ^{1/}	NA ^{2/}
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 <input type="checkbox"/>)			
	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: (SEE ATTACHED MEMORANDUM)

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

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

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.)

_____	(b)(3),(b)(6)
(Recorder)	
_____	_____
(Member)	(Member)
_____	_____
(Member)	(Member)

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)

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.)

CENTCOM 018470

Pages 28 through 29 redacted for the following reasons:

(b)(5)

100900AUG06: RECON/1-17 REPORTS IED DETONATED ON (b)(2)High INTERSECTION
(b)(2)High ELEMENT WAS TRAVELING NORTH WHEN IED DETONATED (b)(2)High
(b)(2)High IED WAS LOCATED NORTH BOUND LANE IN THE MEDIAN. ELEMENT
CONDUCTED TACTICAL QUESTIONING WITH NEGATIVE RESULTS AND CM. NO BDA/CAS. NFTR.

151150AUG06: RECON/1-17 REPORTED ENGAGING A VEHICLE CLOSING IN ON THEIR ELEMENT ON (b)(2)High . A LIGHT BLUE CELEBRITY LICENSE PI ΔTF # (b)(6) EXITED FROM THE OFF RAMP AND BEGAN TO CLOSE ON 3RD (b)(2)High AS THE VEHICLE CLOSED THE ELEMENT EXECUTED A SERIES OF WARNINGS. AT A DISTANCE OF (b)(2)High THE ELEMENT SOUNDED THE (b)(2)High HORN TO RELAY THEIR PRESENCE; AT (b)(2)High THEY UTILIZED (b)(2)High AND VERBAL WARNINGS IN CONJUNCTION WITH THE HORN; (b)(2)High THE HORN, VERBAL WARNINGS, (b)(2)High AND MANEUVERED LEFT (AWAY FROM THE VEHICLE) IOT MAXIMIZE THE DISTANCE BETWEEN THE VEHICLE AND (b)(2)High THE VEHICLE CONTINUED IT'S COURSE AND THE (b)(2)High STILL UTILIZING THE ABOVE MENTIONED WARNINGS) FIRED 3 X WARNING SHOTS INTO THE AIR. THE LN VEHICLE CONTINUED TO CLOSE ON THE (b)(2)High AT A DISTANCE OF (b)(2)High 1 X (b)(2)High WAS FIRED (DRIVER'S SIDED REAR TIRE). THE VEHICLE DID NOT RESPOND TO THE WARNINGS AND CONTINUED ON COURSE TOWARD THE STRYKER. AT A DISTANCE OF (b)(2)High FROM THE (b)(2)High 6 X LETHAL SHOTS WERE FIRED. AFTER THE LETHAL SHOTS WERE FIRED THE CAR VEERED OFF THE ROAD AND CAME TO REST AT THE GUARD RAIL ON THE WEST SIDE OF THE ROAD. RECON INVESTIGATED THE VEHICLE AND DETERMINED THE DRIVER WAS A LN FEMALE WAS KIA (APPROX AGE (b)(6). RECON CORDONED THE AREA AND 1-61 CAV ASSISTED IN CALLING FOR AN AMBULANCE. THE FAMILY WAS NOTIFIED OF THE INCIDENT BY THE IA. THE LN FEMALE'S NAME WILL BE TRANSLATED FROM THE ID CARD. ALL PERTINENT INFORMATION (ADDRESS/PHONE NUMBERS) WAS OBTAINED FROM THE FAMILY IOT PROVIDE CONDOLENCE PAYMENT. TAC/C AND RECON/1-17 WILL REVISIT FAMILY FOR FOLLOW UP AND CONDOLENCE ISSUES. NOTHING FURTHER TO REPORT AT THIS TIME.

Serious Incident Report

Subject: SIR Number *(WILL BE PROVIDED BY G3 OPS)*

1. Category:

2. Type of Incident: EOF

3. Date/Time of Incident: 151150AUG06

4. Location: BAGHDAD (b)(2)High

5. Other Information:

6. Personnel Involved:

a. Subjects Name: (b)(3),(b)(6)

1. Pay Grade: 0-3

2. SSN: (b)(3),(b)(6)

3. Race: (b)(6)

4. Position: PL

5. Security Clearance: SEC

6. Units and Station of Assignment: RECON/1-17 IN

7. Duty Status: ACTIVE

b. Subjects Name: (b)(3),(b)(6)

1. Pay Grade: E-6

2. SSN: (b)(3),(b)(6)

3. Race: (b)(6)

4. Position: SQUAD LEADER

5. Security Clearance: SEC

6. Units and Station of Assignment: RECON/1-17 IN

7. Duty Status: ACTIVE

c. Subjects Name: (b)(3),(b)(6)

1. Pay Grade: E-5

2. SSN: (b)(3),(b)(6)

3. Race: (b)(6)

4. Position: VC

5. Security Clearance: SEC

6. Units and Station of Assignment: RECON/1-17 IN

7. Duty Status: ACTIVE

d. Subjects Name: (b)(3),(b)(6)

1. Pay Grade: E-5

2. SSN: (b)(3),(b)(6)

3. Race: (b)(6)

4. **Position:** Rifleman
5. **Security Clearance:** SEC
6. **Units and Station of Assignment:** RECON/1-17 IN
7. **Duty Status:** ACTIVE

e **Subjects Name:** (b)(3),(b)(6)

1. **Pay Grade:** E-4
2. **SSN:** (b)(3),(b)(6)
3. **Race:** (b)(6)
4. **Position:** DRIVER
5. **Security Clearance:** SEC
6. **Units and Station of Assignment:** RECON/1-17 IN
7. **Duty Status:** ACTIVE

7. **Summary of Incident:** 151150AUG06: RECON/1-17 REPORTED ENGAGING A VEHICLE CLOSING IN ON THEIR ELEMENT ON (b)(2)High (b)(2)High . A LIGHT BLUE CELEBRITY LICENSE PLATE # (b)(6) EXITED FROM THE OFF RAMP AND BEGAN TO CLOSE ON 3RD (b)(2)High AS THE VEHICLE CLOSED THE ELEMENT EXECUTED A SHOOTING WARNINGS. AT A DISTANCE OF (b)(2)High THE ELEMENT SOUNDED THE (b)(2)High HORN TO RELAY THEIR PRESENCE; AT (b)(2)High THEY UTILIZED HAND AND ARM SIGNALS AND VERBAL WARNINGS IN CONJUNCTION WITH THE HORN; AT (b)(2)High THEY UTILIZED THE HORN, VERBAL WARNINGS (b)(2)High SIGNALS AND MANEUVERED LEFT (AWAY FROM THE VEHICLE) IOT MAXIMIZE THE DISTANCE BETWEEN THE VEHICLE AND (b)(2)High THE VEHICLE CONTINUED IT'S COURSE AND THE (b)(2)High STILL UTILIZING THE ABOVE MENTIONED WARNINGS) FIRED 3 X WARNING SHOTS INTO THE AIR. THE LN VEHICLE CONTINUED TO CLOSE ON THE (b)(2)High AT A DISTANCE OF (b)(2)High 1 X (b)(2)High WAS FIRED (DRIVER'S SIDED REAR TIRE). THE VEHICLE DID NOT RESPOND TO THE WARNINGS AND CONTINUED ON COURSE TOWARD THE (b)(2)High AT A DISTANCE OF (b)(2)High FROM THE (b)(2)High 6 X LETHAL SHOTS WERE FIRED. AFTER THE LETHAL SHOTS WERE FIRED THE CAR VEERED OFF THE ROAD AND CAME TO REST AT THE GUARD RAIL ON THE WEST SIDE OF THE ROAD. RECON INVESTIGATED THE VEHICLE AND DETERMINED THE DRIVER WAS A LN FEMALE WAS KIA (APPROX AGE (b)(6). RECON CORDONED THE AREA AND 1-61 CAV ASSISTED IN CALLING FOR AN AMBULANCE. THE FAMILY WAS NOTIFIED OF THE INCIDENT BY THE IA. THE LN FEMALE'S NAME WILL BE TRANSLATED FROM THE ID CARD. ALL PERTINENT INFORMATION (ADDRESS/PHONE NUMBERS) WAS OBTAINED FROM THE FAMILY IOT PROVIDE CONDOLENCE PAYMENT. TAC/C AND RECON/1-17 WILL REVISIT FAMILY FOR FOLLOW UP AND CONDOLENCE ISSUES. NOTHING FURTHER TO REPORT AT THIS TIME.

8. **Remarks:**

9. **Publicity:**

10. **Command Reporting:** TF 1-17 IN BN

11. **POC:** 1-17 BTL CPT, 764-5330

12. **Downgrading Instructions:**

Enclosure One to AR 15-6 Appointment Orders (SIR)

13. Approved/Released By: LTC (b)(3),(b)(6) BN XO

(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

(b)(2)High

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

Nonresponsive, (b)(2)High

Nonresponsive, (b)(2)High

(b)(2)High

(b)(2)H
(b)(2)High
(b)(2)High

(b)(2)High

Nonresponsive, (b)(2)High

(b)(2)High

(b)(2)High

Nonresponsive, (b)(2)High

EOF - RECON 1-17
1 X LN FEMALE KIA

(b)(2)High

ACTIONS OF LN DRIVER

(b)(2)High - NO REACTION, MAINTAIN
SPEED AND DIRECTION

(b)(2)High - NO REACTION, SPEED
INCREASES AS VEHICLE
APPROACHES MAIN ROAD

(b)(2)High

(b)(2)High

(b)(2)High

(b)(2)High

(b)(2)High

**TIME/ DISTANCE ANALYSIS
FOR LN COLLISION WITH
RECON**

(b)(2)High

(b)(2)High

(b)(2)High

***BASED OF
SPEED OF
ESTIMATED LN SPEED OF**

(b)(2)High

(b)(2)High

(b)(2)High

(b)(2)High

(b)(2)High

(b)(2)High

**EOF - RECON 1-17
1 X LN FEMALE KIA**

(b)(2)Hic

(b)(2)High (b)(2)High

(b)(2)High

**TIME/ DISTANCE ANALYSIS
FOR LN COLLISION WITH
RECON**

(b)(2)High

(b)(2)Hic

(2)H

***BASED OF
SPEED OF AND
ESTIMATED LN SPEED OF**

(2)H

(2)H

ACTIONS OF LN DRIVER

(2)H - NO REACTION, MAINTAIN
SPEED AND DIRECTION

(2)H NO REACTION, MAINTAIN
SPEED AND DIRECTION

(b)(2)Hic
(b)(2)High

(b)(2)High

(2)H

**EOF - RECON 1-17
1 X LN FEMALE KIA**

(b)(2)High

ACTIONS OF LN DRIVER

(b)(2)High - LEFT REAR TIRE IS SHOT OUT, DRIVER DOES NOT PULL OVER, DRIVER DOES NOT SLOW DOWN. THE DRIVER MAINTAINS SPEED AND DIRECTION

(b)(2)High

**TIME/ DISTANCE ANALYSIS
FOR LN COLLISION WITH
RECON**

(b)(2)High

(b)(2)High
*)BASED OF SPEED OF AND ESTIMATED LN SPEED OF (2)H
(2)H

(b)(2)High

(b)(2)High

(b)(2)High

(b)(2)High

(b)(2)High

**EOF - RECON 1-17
1 X LN FEMALE KIA**

(b)(2)High

ACTIONS OF LN DRIVER

(b)(2)High - LETHAL SHOTS FIRED, LN
VEHICLE SLOWS SPEED AND
VEERS RIGHT TO GUARD RAIL
AND STOPS

(b)(2)High

(b)(2)High

**TIME/ DISTANCE ANALYSIS
FOR LN COLLISION WITH
RECON**

(b)(2)High

(b)(2)High
(b)(2)High

***BASED ON
OFFER OF**

**AND
SPEED OF**

(b)(2)High

(b)(2)High

(b)(2)High

(b)(2)High

(b)(2)High

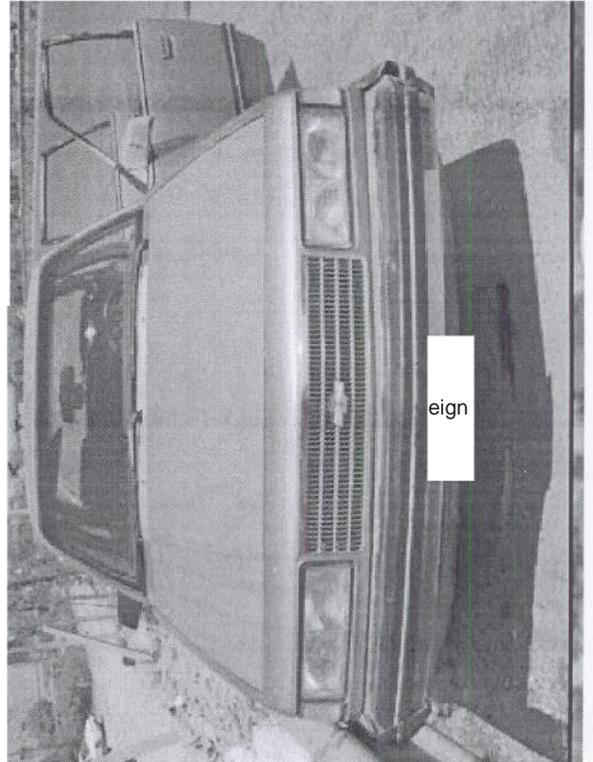
(2)H
RECON/1-17 WAS TRAVELING SOUTH ON
WHEN A LN VEHICLE DROVE FROM
THE OFF RAMP INTO THE MIDDLE OF THE
CONVOY AND MOVED DIRECTLY TOWARDS THE
THE MOVED BEFORE
FIRING LETHAL SHOTS AT THE VEHICLE.

(b)(2)High

EOF - RECON 1-17
1 X LN FEMALE KIA

(2)H

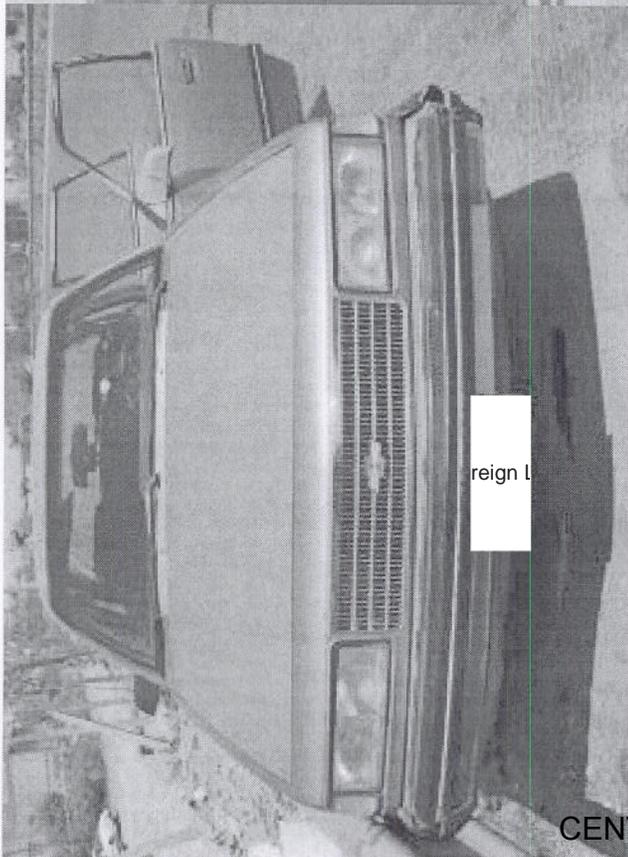
(b)(6), Foreign Language



eign

(b)(2)High

(b)(2)High



reign L

CENTCOM 018486



DEPARTMENT OF THE ARMY
HEADQUARTERS
172D STRYKER BRIGADE COMBAT TEAM
CAMP LIBERTY, BAGHDAD IRAQ
APO AE 09344

REPLY TO
ATTENTION OF:

APVR-WLB-CJA

6 September 2006

MEMORANDUM FOR Office of the Staff Judge Advocate (attn: Chief, Adlaw), Camp Liberty, Iraq

SUBJECT: AR 15-6 Investigation for Escalation of Force on 15 August 2006 by Recon Platoon, 1-17 IN, vicinity (b)(2)High

1. The attached 15-6 investigation is forwarded for action by the Commanding General, MND-B.

2. The Investigating Officer (IO), CPT (b)(3),(b)(6) made the following findings (summarized):

a. There was no violation of the Rules of Engagement (ROE) because the approaching vehicle posed an immediate threat to the platoon.

b. The Platoon Leader (PL) and the Platoon Sergeant (PSG) received ROE refresher training five days before the subject Escalation of Force (EOF). The PL and PSG provided additional ROE training to the Soldiers of the platoon prior to this incident.

c. The Soldiers involved in this incident used proper EOF measures before resorting to the shots that killed the LN. The unit took the following measures: sounding the air horn; hand and arm signals; shouting in Arabic; showing weapons; pulling away from the LN's vehicle; three tracer warning shots; and one disabling shot to the Local National's (LN) tire.

d. The unit shall make a condolence payment to the family of the Local National who was killed as a result of the subject EOF. The payment shall cover the death of the LN and the damage to the LN's vehicle.

3. The IO made the following recommendations (summarized):

(b)(5)

4. The Brigade Commander, COL (b)(3),(b)(6) concurred with the findings and recommendations and added the following recommendations:

(b)(5)

CENTCOM 018487

APVR-WLB-CJA

SUBJECT: AR 15-6 Investigation for Escalation of Force on 15 August 2006 by Recon Platoon,
1-17 IN, vicinity (b)(2)High

(b)(5)

5. Included in this packet is a memorandum dated 26 August 2006. The memorandum documents the unit's attempt to make a condolence payment to the family of the LN. Payment was refused.

6. Point of Contact for this memorandum is the undersigned at

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

or VOIP 772-2324

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

CPT, JA
Brigade Judge Advocate

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)

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

(Member)

(Member)

(Member)

(Member)

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)

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.)

(b)(2)High

Conduct consequent management: settle condoleance payment of Chan & end. Report when complete.

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

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

Joan Gobe

I remand to the Brigade Commander for further action as he deems appropriate.

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

15 SEP 2006

DAVID D. HALVERSON
Brigadier General, USA
Deputy Commanding General (Support)
CENTCOM 018489