

UNCLASSIFIED

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)

(Investigating Officer) (President)

(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 for a summary, if oral) as a numbered inclosure.

DEVELOPED, THE SOLDIER TOOK THE APPROPRIATE. I WILL DIRECT A DETAIL AND THAT... AT THE NECESSITY OF

(b)(2)High

(b)(2)High

ACTION BY APPROVAL AUTHORITY:

I ratify the appointment of the Investigating Officer. I approve the findings.

I approve the BCT Commander's recommendation that

(b)(2)High

(b)(2)High

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

(b)(6)

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

LTC

Major General, USA
Commanding

23 FEB 2007

EXECUTIVE SUMMARY

EOF w/LN death
2-12 IN, 2/1 CD
11 1800 Jan 07

1. Sequence of Events

a. Situation. At 11 18000 Jan 07, a four-vehicle patrol from C/2-12 IN stopped in front of a house on 40th Street where the patrol had earlier found an IED trigger device. The patrol leader, SSG (b)(3)(b)(6), entered the house to speak with the family. The remaining Soldiers pulled security from their vehicles. SPC (b)(3)(b)(1) an (b)(2)High gunner, was facing west along 40th Street and was positioned approximately (b)(2)High from the intersection of 37th and 40th Streets. Florescent lights lined 40th Street, making the patrol's vehicles visible to oncoming traffic.

b. Threat. A van turned right onto 40th Street from 37th Street, traveling directly toward SPC (b)(3)(b)(1)'s vehicle. The van's headlights were off. SPC (b)(3)(b)(1) began EOF procedures.

c. EOF procedures.

(1) SPC (b)(6), (b) (b)(2)High to get the van driver's attention. The van continued driving toward him.

(2) SPC (b)(6), (b) fired three to five shots at the van's engine when the van was (b)(2)High away. The van continued to accelerate towards him.

(3) SPC (b)(3)(b) fired at the van's driver when the van was (b)(2)High away. The van slammed into SPC (b)(3)(b)(1)'s vehicle and stopped.

d. Results. Fearing a VBIED, SPC (b)(3)(b) told the (b)(2)High driver to pull forward, away from the van. EOD responded to the site, but the van did not contain a VBIED. The driver was unarmed but had been fatally wounded by the gunfire.

2. Findings. IO found that SPC (b)(3)(b) properly followed EOF procedures and had acted reasonably in light of the speed with which the situation developed.

3. Recommendations.

(b)(5)

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

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

(b)(5) (3)(b)

On 111800JAN07 SSG (b)(3)(b)(6) (C/2-12IN), stopped his patrol vicinity (b)(2)High where he found a trigger device to a possible IED earlier in the day. SSG (b)(3)(b)(6) left the patrol over watching the 40th street (east to west) while he took a team into the house to converse with the family about the events earlier in the day.

SSG (b)(3)(b)(6) patrol consisted of four (b)(2)High facing in an easterly direction. SPC (b)(3)(b)(6) (C/2-12IN), the gunner in the last (b)(2)High was facing west covering the rear formation of the vehicles while SSG (b)(3)(b)(6) conversed with the family inside the house. SPC (b)(3)(b)(6) was the only Soldier looking in a westerly direction. SPC (b)(3)(b)(6) overlooked the two intersections in his field of view 35th & 40th and 37th & 40th. SPC (b)(3)(b)(6) was approximately (b)(2)High to the east of the intersection of 35th & 40th and approximately (b)(2)High to the east of the intersection of 37th & 40th.

The street was lit by houses that had bright fluorescent lights, particularly the house due north from SPC (b)(3)(b)(6) (b)(2)High position. The fluorescent light lit the vehicles enough to be seen by the naked eye.

SPC (b)(3)(b)(6) saw a van enter into the intersection of 37th & 40th turning right onto 40th street. The driver of the van did not have his headlights on and continued to drive towards the patrol. SPC (b)(3)(b)(6) suspicious of the van followed the rules of engagement by (b)(2)High (b)(2)High to get the attention of the driver of the van. SPC (b)(3)(b)(6) wanted to reach for (b)(2)High to further warn the driver of the van and also distinguish the (b)(2)High presence but the van continued to accelerate towards the patrol so SPC (b)(3)(b)(6) continued the escalation of force and leveled (b)(2)High and shot off three to five shots aimed at the engine on the van at approximately (b)(2)High away from SPC (b)(3)(b)(6) (b)(2)High. The van did not veer to the left or right nor did it slow down. The van continued to accelerate towards SPC (b)(3)(b)(6) (b)(2)High showing hostile intent. SPC (b)(3)(b)(6) then opened fire aiming at the driver of the van when it was approximately (b)(2)High meters away from his position shooting off about (b)(2)High rounds. The van slammed into the back of the (b)(2)High moving approximately 30-35mph. After the crash, the (b)(2)High moved to a safe distance from the suspicious van thinking it could be a VBIED. The entire incident occurred in the timeframe of approximately 10-15 seconds. EOD was called to the scene to inspect the van but did not find any evidence of explosives.

The ROE/EOF was properly followed by SPC (b)(3)(b)(6), SPC (b)(3)(b)(6) (b)(2)High to get the driver's attention but the driver responded by increasing the speed. The combination of;

- 1) Potential VBIEDs in the AO,
- 2) Little distance between the accelerating van and the halted convoy,
- 3) Little time before the van reached the convoy
- 4) Van driving at night with no headlights

Resulted in SPC (b)(3)(b)(6)'s decision to (b)(2)High the vehicle. When the driver continued towards the convoy, SPC (b)(3)(b)(6) made the decision to engage the driver ultimately killing the driver.

Enclosures:

- 1. Appointment Letter
- 2. SIR for Escalation of Force
- 3. Sketch of the incident
- 4. MND-B OPORD 06-03 ROE G.I. ESCALATION OF FORCE
- 5. Statements
 - A. Sworn Statement of SSG (b)(3)(b)(6) C/2-12 IN
 - B. Sworn Statement 1 & 2 of SPC (b)(3)(b)(6) C/2-12 IN

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

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

Recommendation:

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

DEPARTMENT OF THE ARMY
2D BATTALION, 12TH INFANTRY REGIMENT
2D BRIGADE COMBAT TEAM, 2ND INFANTRY DIVISION
FOB FALCON, IRAQ
APO AE 09361-2507

AFZC-B-I-S6

09 February 2007

MEMORANDUM FOR RECORD

SUBJECT: Supplemental Findings of AR 15-6 Investigation of Escalation of Force

1. MAJ (b)(3)(b) (1st Company, 2/6 National Police Battalion) was on scene and took the body back to the CP66 National Police house located in M822.
2. The individual's name was: (b)(6). There was a "fossil" payment made to the family on 20 Jan 07, the payment was made to the individual's son and wife, with his cousin (b)(6) present. Payment was made at the Al-Dora DAC Hall in the presence of (b)(6) (b)(6) (Cousin) confirmed the individual's identity and claimed the body. He was present throughout.
3. EOD did not check the pulse. They did a visual confirmation with the robot (no movement). Individuals on the roof top looking into the vehicle could see he had been shot in the chest (vic of his heart) therefore EOD went to within about (2)H (2)H of the vehicle and checked the individual with flashlights and did not see any movement.
4. The cause of death was determined by Doctor (b)(6) (p), (b)(2) doctor) the following morning. He stated death was caused by 3 shots directly to the heart.
5. Point of contact for this memorandum is CPT (b)(3)(b)(6) at VOIP 772-7206.

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

Investigating Officer

CENTCOM 020623



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
HEADQUARTERS, 2ND BRIGADE COMBAT TEAM
MULTI-NATIONAL DIVISION—BAGHDAD
FOB PROSPERITY, BAGHDAD, IRAQ
APO AE 09348

AFVA-2BCT-CDR

JAN 20 2007

MEMORANDUM FOR Commander, Multi-National Division—Baghdad, FOB Liberty,
Baghdad, Iraq APO AE 09344

SUBJECT: Recommendation By Appointing Authority—Army Regulation (AR) 15-6
Investigation of Escalation of Force (EOF) Incident (2-12 IN)

1. On 11 January 2007, 2nd Battalion, 12th Infantry Regiment (2-12 IN), appointed an officer to investigate the EOF incident by Charlie Company, 2-12 IN, which occurred on 11 January 2007, and resulted in the death of a local national. I hereby ratify the appointment of Captain (b)(3)(b)(6) as the Investigating Officer (IO).

2. I approve the IO's findings.

3. I approve the IO's recommendations with exception. The critical error here was the failure to use some type of EOF mitigation equipment. Commanders will mandate the use of all available EOF mitigation equipment. As per the battalion commander's recommendation, the unit shall conduct an AAR and determine what, if any, appropriate EOF mitigation equipment could have been used to prevent this fatality.

4. The point of contact for this memorandum is Major (b)(3)(b)(6), Brigade Judge Advocate, at VOIP 678-7069 or DSN 318-848-7143.

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

Encl
as

COL, AR
Commanding



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
HEADQUARTERS, 2ND BRIGADE COMBAT TEAM
MULTI-NATIONAL DIVISION—BAGHDAD
FOB PROSPERITY, BAGHDAD, IRAQ
APO AE 09348

AFVA-2BCT-CDR

FEB 15 2007

MEMORANDUM FOR Commander, Multi-National Division—Baghdad, FOB Liberty,
Baghdad, Iraq APO AE 09344

SUBJECT: Second Recommendation by Appointing Authority—Army Regulation (AR) 15-6
Investigation of Fatal Escalation of Force (EOF) Incident (2-12 IN)

1. I originally recommended approval of this investigation on 20 January 2007, and it was subsequently forwarded to the Administrative and Civil Law Section of the Division Staff Judge Advocate (Division SJA). On 29 January 2007, Division SJA sent an inquiry to the 2BCT Brigade Judge Advocate for additional information. The Investigating Officer (IO) reopened the investigation, and submitted Supplemental Findings on 9 February 2007.

2. I recommend that you approve the IO's original and supplemental findings.

3. As stated previously, I recommend that you approve the IO's recommendations with exception.

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

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

4. The point of contact for this memorandum is Major (b)(3)(b)(6), Brigade Judge Advocate, at VOIP 678-7069.

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

COL, AR
Commanding

CENTCOM 020625



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
Headquarters, 2nd Battalion, 12th Infantry Regiment
FOB Falcon, Baghdad, Iraq
APO AE 09361

AFZC-B-I-CDR

11 January 2007

MEMORANDUM FOR Captain (b)(3)(b)(6), Headquarters and Headquarters Company,
2nd Battalion, 12th Infantry Regiment, 2nd Brigade Combat Team, Multi-National Division—
Baghdad, FOB Falcon, Baghdad, Iraq APO AE 09361

SUBJECT: Appointment as Army Regulation (AR) 15-6 Investigating Officer

1. You are appointed as an investigating officer pursuant to AR 15-6 to conduct an informal investigation into the allegations of Escalation of Force that occurred on or about 11 January 2007. This is your primary duty until you are properly relieved.
2. Prior to beginning your investigation, you will contact the Brigade Operational Legal Team for your initial briefing. They can be reached at VOIP 678-7068.
3. In your investigation, all witness statements will be sworn and written on DA Form 2823. If you come to suspect any individual has committed a crime, you will advise that individual of his or her rights under Article 31 of the UCMJ or the Fifth Amendment, as appropriate, using DA Form 3881.
(b)(3)(b)(6)
4. Submit your findings and recommendations to me on DA Form 1574 within 3 days of receipt of this appointment order.

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

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



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HEADQUARTERS, 2ND BRIGADE COMBAT TEAM
MULTI-NATIONAL DIVISION-BAGHDAD
FOB PROSPERITY, BAGHDAD, IRAQ
APO AE 09348

AFVH-2BCT-JA

18 January 2007

MEMORANDUM FOR Commander, 2nd Brigade Combat Team, Multi-National Division-Baghdad, FOB Prosperity, Baghdad, Iraq, APO AE 09348

SUBJECT: Legal Review of Army Regulation (AR) 15-6 Investigation of Escalation of Force (EOF) Incident (C Co, 2-12 IN)

1. In accordance with AR 15-6, paragraph 2-3, I have reviewed the AR 15-6 investigation into the facts and circumstances involving the EOF that occurred on 11 January 2007. I make the following determinations:

- a. The investigation complies 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.
 - c. Sufficient evidence supports the findings of the Investigating Officer (IO).
 - d. The IO's recommendations are consistent with the findings.
2. The POC is the undersigned at VOIP 678-7069 or DSN 318-848-7143.

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

Encl
as

CPT, JA
Judge Advocate



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HEADQUARTERS, 2ND BRIGADE COMBAT TEAM
MULTI-NATIONAL DIVISION—BAGHDAD
FOB PROSPERITY, BAGHDAD, IRAQ
APO AE 09348

AFVA-2BCT-BJA

6 February 2007

MEMORANDUM FOR Commander, 2nd Brigade Combat Team, Multi-National Division—
Baghdad, FOB Prosperity, Baghdad, Iraq, APO AE 09348

SUBJECT: Second Legal Review of Army Regulation (AR) 15-6 Investigation of Escalation of
Force (EOF) Incident (C Co, 2-12 IN)

1. In accordance with AR 15-6, paragraph 2-3b, I have reviewed the AR 15-6 investigation into the facts and circumstances involving the EOF that occurred on 11 January 2007.¹ I make the following determinations:

- a. The investigation complies 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.
 - c. Sufficient evidence supports the findings of the Investigating Officer (IO).
 - d. The IO's recommendations are consistent with the findings.
2. The POC is the undersigned at VOIP 678-7069 or DSN 318-848-7143.

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

Encl
as

CPT, JA
Operational Law Attorney

¹ The investigation was originally submitted on 13 January 2007 and approved on 20 January 2007. After receiving an inquiry from the MND-B Administrative Legal Office, I returned this investigation back to the investigating officer for additional information. The investigating officer resubmitted his findings and recommendations on 4 February 2007.

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 LTC (b)(3)(b)(6) (Appointing authority)

on 11 JANUARY 2007 (Date) (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

SECTION II - SESSIONS

The (investigation) (board) commenced at FOB Falcon, Baghdad Iraq (Place) at 0030 (Time)

on 12 JANUARY 2007 (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 0130 (Time) on 12 JANUARY 2007 (Date)

and completed findings and recommendations at 1200 (Time) on 04 FEBRUARY 2007 (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

YES NO¹⁾ NA²⁾

- 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 this investigation or board.

		YES	NO	NA ²
2	Exhibits <i>(para 3-16, AR 15-6)</i>			
	a. Are all items offered <i>(whether or not received)</i> 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 <i>(if substituted for real or documentary evidence)</i> 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 <i>(para 3-6b, AR 15-6)?</i>			
	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 <i>(para 3-16d, AR 15-6)?</i>			
3	Was a quorum present when the board voted on findings and recommendations <i>(paras 4-1 and 5-2b, AR 15-6)?</i>			
B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS <i>(Chapter 5, AR 15-6)</i>				
4	At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment <i>(para 5-3b, AR 15-6)?</i>			
5	Was a quorum present at every session of the board <i>(para 5-2b, AR 15-6)?</i>			
6	Was each absence of any member properly excused <i>(para 5-2a, AR 15-6)?</i>			
7	Were members, witnesses, reporter, and interpreter sworn, if required <i>(para 3-1, AR 15-6)?</i>			
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 <i>(para 5-2d, AR 15-6)?</i>			
C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED <i>(Section II, Chapter 5, AR 15-6)</i>				
9	Notice to respondents <i>(para 5-5, AR 15-6):</i>			
	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 <i>(or otherwise was absent during part of the proceedings):</i>			
	a. Was he properly notified <i>(para 5-5, AR 15-6)?</i>			
	b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel <i>(para 5-4c, AR 15-6)?</i>			
11	Counsel <i>(para 5-6, AR 15-6):</i>			
	a. Was each respondent represented by counsel?			
	Name and business address of counsel:			
	<i>(If counsel is a lawyer, check here <input type="checkbox"/>)</i>			
	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 <i>(or, if oral, a summary)</i> of the request and the action taken on it included in the report <i>(para 5-6b, AR 15-6)?</i>			
12	If the respondent challenged the legal advisor or any voting member for lack of impartiality <i>(para 5-7, AR 15-6):</i>			
	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 <i>(para 5-8a, AR 15-6):</i>			
	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 <i>(para 5-9, AR 15-6)?</i>			
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 <i>(para 5-8b, AR 15-6)?</i>			
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 <i>(para 5-11, AR 15-6)?</i>			
FOOTNOTES: 1 Explain all negative answers on an attached sheet. 2 Use of the NA column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.				

(b)(2)High

SIR FOR 11 JAN 07

FROM: 2-12IN

THRU: 2 BDE 1 CAV

TO: MND-B G3 BTL MAJ IN CIC

SUBJECT: SIR

1. CATEGORY: EOF – (b)(2)High

2. TYPE OF INCIDENT: ESCALATION OF FORCE

3. DATE AND TIME: 111800JAN07

4. LOCATION: (b)(2)High

5. PERSONNEL INVOLVED:

A. SUBJECT: (b)(3)(b)(6)

A. RANK OR GRADE: SSG

B. SOCIAL SECURITY NUMBER: (b)(3)(b)(6)

C. RACE: (b)(6)

D. SEX: MALE

E. AGE: (b)(6)

F. POSITION: TC OF VEHICLE

G. SECURITY CLEARANCE: NONE

H. UNIT AND STATION OF ASSIGNMENT: C CO 2-12IN FOB FALCON

I. DUTY STATUS: ACTIVE

J. MARITAL STATUS: SEPERATED

SUBJECT: (b)(3)(b)(6)

K. RANK OR GRADE: SPC

L. SOCIAL SECURITY NUMBER: (b)(3)(b)(6)

M. RACE: (b)(6)

N. SEX: MALE

O. AGE: (b)(6)

P. POSITION: GUNNER

Q. SECURITY CLEARANCE: NONE

R. UNIT AND STATION OF ASSIGNMENT: C CO 2-12IN FOB FALCON

S. DUTY STATUS: ACTIVE

T. MARITAL STATUS: SINGLE

B. ALCOHOL INVOLVEMENT: NONE

SUMMARY OF INCIDENT: PATROL NUMBER 1142 LED BY SSG (b)(3)(b)(6) WAS STATIONARY AT (b)(2)High UNDER A LIGHT ON STREET 40 IN M820 WHEN THE GUNNER OF THE TRAIL VEHICLE IN THE PATROL, SPC(3)(b)(6) SAW A VAN TURN RIGHT OFF OF STREET 37 IN M820 AND MOVE TOWARDS THE PATROL 80M AWAY. THE PATROL CONSISTED OF 4 VEHICLES AND THEY HAD THE VEHICLE LIGHTS TURNED OFF. THE TRAIL VEHICLE WAS PARKED OFF TO THE RIGHT SIDE OF THE ROAD UNDER A FOUR FOOT FLORESCENT LIGHT. SPC(3)(b)(6), (b)(2)High (b)(2)High STARTED (b)(2)High TO GET THE VAN TO STOP WHEN THE VEHICLE WAS APPROX (b)(2)High AWAY. THE VAN DID NOT HAVE HIS LIGHTS ON AND PICKED UP SPEED AFTER SPC (b)(6) HAD WAVED HIS HANDS. WHEN THE VAN WAS APPROXIMATELY (b)(2)High AWAY SPC(3)(b)(6) FIRED A THREE ROUND (b)(2)High THAT WENT INTO THE ENGINE COMPARTMENT. THE VAN CONTINUED TO SPEED UP AND SPC (3)(b)(6) FIRED A 30-35 ROUND BURST INTO WINDSHIELD

EOF(C/2-12IN), 2-1CD, 11 JAN 07

CENTCOM 020631

WHEN THE VAN WAS APPROXIMATELY (b)(2)High AWAY. HE THEN DROPPED INTO THE CAB FOR PROTECTION FROM A POSSIBLE VBIED. THE VAN SLAMMED INTO THE REAR END OF C27s VEHICLE. C27 PULLED HIS VEHICLE FORWARD AND CALLED EOD FOR A POSSIBLE VBIED. THE PATROL HAD BEEN STATIONARY FOR APPROXIMATELY 3-4 MINUTES. THE PATROL HAD JUST MOVED FROM 35TH STREET TO 40TH STREET. THE VAN CAME FROM 37TH STREET TO 40TH STREET. THE PATROL WAS STOPPED (b)(2)High FROM WHERE IT HAD FOUND AN IED EARLIER ON THE PATROL. ANOTHER IED WAS RECOVERED BY EOD THE PREVIOUS DAY APPROXIMATELY (b)(2)High OF WHERE THE PATROL WAS STOPPED ON A SECTION OF ROAD THAT IS HEAVILY USED BY COALITION FORCE PATROLS. EOD WAS ACTIONED TO THE SITE; THEY CLEARED THE VEHICLE AND FOUND NO EXPLOSIVES.

7. OTHER INFORMATION:

A. RACIAL: N/A

B. EOF INVOLVEMENT: YES

8. REMARKS: NONE

9. PUBLICITY:

10. COMMANDER REPORTING: CPT (b)(3)(b)(6)

11. POINT OF CONTACT: SSG (b)(3)(b)(6) VOIP 678-8013

12. REPORT ORIGINATED BY: 1LT (b)(3)(b)(6)

13. RELEASED BY: LTC (b)(3)(b)(6)

14. UNIT NOTIFICATIONS:

A. IN PERSON

<u>POSITION</u>	<u>NAME</u>	<u>TIME</u>	<u>INSTRUCTIONS</u>
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B. EMAIL

C. FM FREQ

<u>POSITION</u>	<u>NAME</u>	<u>TIME</u>	<u>INSTRUCTIONS</u>
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MND-B BTL NCO:

TIME RECEIVED:

MND-B G3 BTL NCO ACTIONS:

MND-B CHOPS / BTL MAJ DISPOSITION:

MND-B CHOPS NOTIFICATIONS:

A. TELEPHONE

<u>POSITION</u>	<u>NAME</u>	<u>TIME</u>	<u>INSTRUCTIONS</u>
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B. EMAIL

<u>POSITION</u>	<u>NAME</u>	<u>TIME</u>	<u>INSTRUCTIONS</u>
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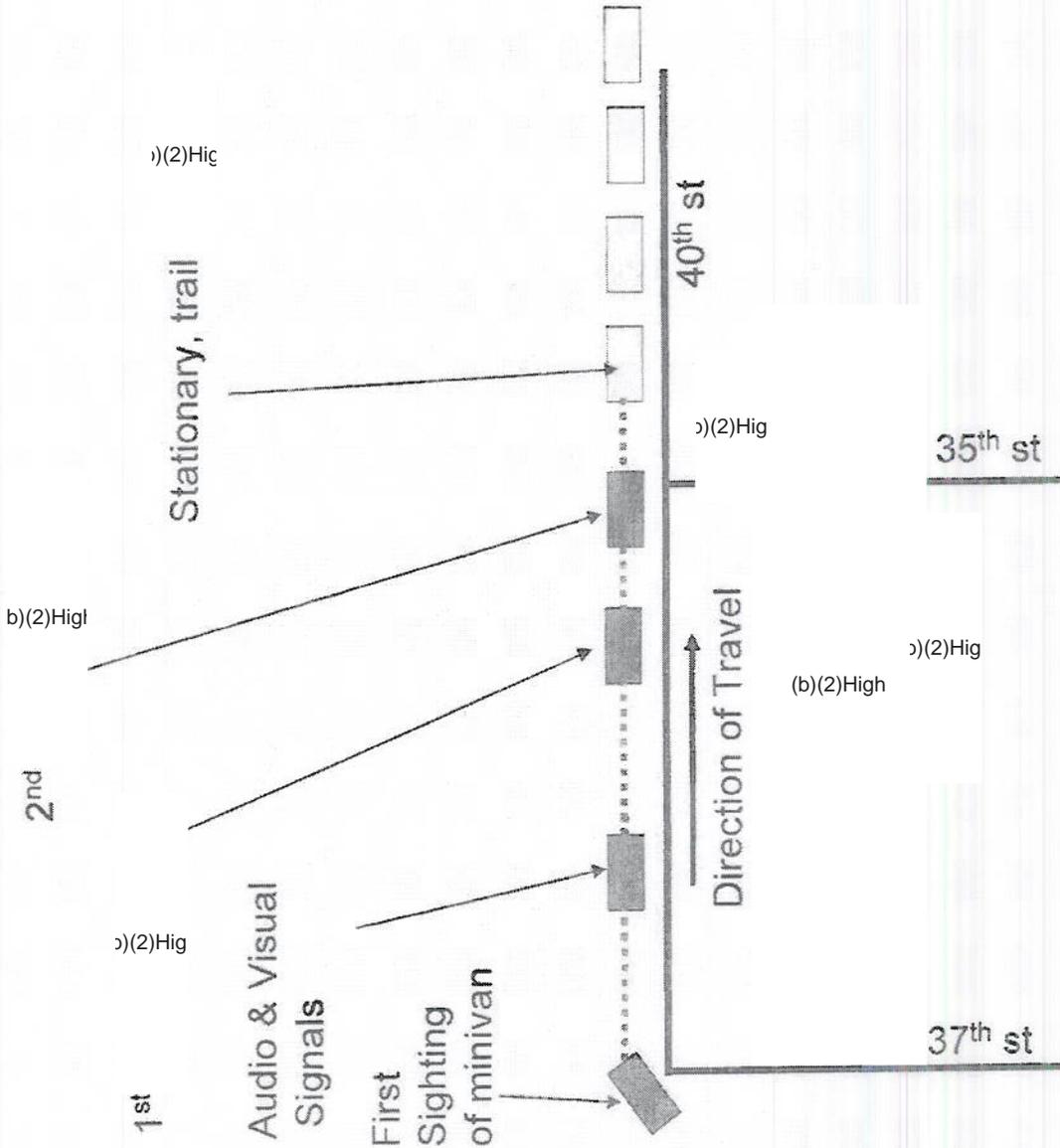
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