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DEPARTMENT OF THE ARMY
HEADQUARTERS, 506TH REGIMENTAL COMBAT TEAM
101ST AIRBORNE DIVISION (AIR ASSAULT)
CAMP LOYALTY, IRAQ APO AE 09390



REPLY TO
ATTENTION OF

AFZB-KG-CO

24 July 2006

MEMORANDUM FOR Assistant Division Commander - Support, Multi-National Division-
Baghdad, Camp Liberty, Iraq 09344-3029

SUBJECT: Legal Review of AR 15-6 Investigation – Escalation of Force Incident Occurring on
10 July 2006

1. I have reviewed the above-referenced investigation and find that the Soldiers' actions, which ultimately led to the shooting death of a local national on the night of 10 July 2006, were in accordance with the ROE. The Soldiers involved were searching a building for suspected kidnappers when several local national males were cleared out of the building. One of the local nationals then turned on the Soldier guiding him to the side of the building and committed a hostile act when he tried to forcibly take the Soldier's weapon. The local national was only prevented from taking the weapon because it was snap-linked to the Soldier's IBA. The local national then ran away from the Soldiers down an alley. The local national disobeyed repeated orders in Arabic to stop, a warning shot, and a nonlethal round fired at his abdomen. SPC (b)(3)(b)(6) then tried to stop the local national by shooting him in the leg. Unfortunately, the shot caused excessive bleeding and the local national bled to death.

2. I recommend that the investigating officer's findings and recommendations be approved with the following exceptions/ substitutions:

a. The element involved will conduct EOF refresher training and recertification IAW MNC-I Policy Letter #15.

b. A CERP condolence payment will be made to the family of the deceased local national IAW MNC-I Policy Letter #15.

3. Point of contact for this memorandum is CPT (b)(3)(b)(6) Regimental Trial Counsel, at VOIF (b)(2)High or SIPR at (b)(3)(b)(6) @bct4.d101.army.smil.mil.

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

LTC (P), IN
Commanding

004163



DEPARTMENT OF THE ARMY
 506TH REGIMENTAL COMBAT TEAM
 101ST AIRBORNE DIVISION (AIR ASSAULT)
 CAMP LOYALTY, IRAQ 09390



REPLY TO
 ATTENTION OF

AFZB-KG-CO

24 July 2006

MEMORANDUM FOR BCT CERP Condolence Program Approval

SUBJECT: Authorization of CERP Condolence Payment

1. GENERAL DESCRIPTION: This memorandum authorizes SFC (b)(3)(b)(6) to draw \$1,500 of CERP condolence money. The money will be used to pay a condolence payment to the family of (b)(6). The payee will be the (b)(6) (b)(6)

2. DETAILS: On 10 July 2006, (b)(6) was killed in an Escalation of Force incident by Coalition Forces during a combined Cordon and Search operation in Zone 48. The death creates emotional and financial hardships for the family.

3. The CERP Paying Agent for this request is SFC (b)(3)(b)(6). POC can be reached via email at (b)(3)(b)(6) @bct4.d101.army.smil.mil or VOIP (b)(2)High

4. The finance office POC is SFC (b)(3)(b)(6) at VOIP (b)(2)High

5. POINT OF CONTACT: The point of contact for this request CPT (b)(3)(b)(6) CERP Condolence POC at (b)(3)(b)(6) @bct4.d101.army.smil.mil or VOIP (b)(2)High

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

LTC, IN
 Commanding

BCT Command Judge Advocate: Concur

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

Non-Concur _____

Comptroller (RDO): Concur _____

Non-Concur _____



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HEADQUARTERS, 506TH REGIMENTAL COMBAT TEAM
101ST AIRBORNE DIVISION (AIR ASSAULT)
FOB LOYALTY, IRAQ APO AE 09390



AFZB-KG-DCO

22 July 2006

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Assumption of Command

By authority of AR 600-20, Para 2-8a(1), the undersigned assumes command of 506th Regimental Combat Team, 101st Airborne Division (Air Assault), (WJIPAA) FOB Loyalty, Iraq APO AE 09390, effective 22 July 2006.

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

LTC, IN
Deputy Commanding Officer

004165



DEPARTMENT OF THE ARMY
HEADQUARTERS, 506TH REGIMENTAL COMBAT TEAM
101ST AIRBORNE DIVISION (AIR ASSAULT)
CAMP LOYALTY, IRAQ APO AE 09390



REPLY TO
ATTENTION OF

AFZB-KG-CO

17 July 2006

MEMORANDUM FOR Assistant Division Commander - Maneuver, Multi-National Division-
Baghdad, Camp Liberty, Iraq 09344-3029

SUBJECT: Legal Review of AR 15-6 Investigation – Escalation of Force Incident Occurring on
10 July 2006

1. I have reviewed the above-referenced investigation and recommend that the investigating officer's findings and recommendations be approved with the following exceptions/substitutions:

a. The element involved will conduct EOF refresher training and recertification IAW MNC-I Policy Letter #15.

b. A CERP condolence payment will be made to the family of the deceased local national IAW MNC-I Policy Letter #15.

2. Point of contact for this memorandum is CPT (b)(3)(b)(6) Regimental Trial Counsel, at VOIP (b)(2)High or SIPR at (b)(3)(b)(6) @bct4.d101.army.smil.mil.

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

COL, IN
Commanding

004166



DEPARTMENT OF THE ARMY
HEADQUARTERS, 506TH REGIMENTAL COMBAT TEAM
101ST AIRBORNE DIVISION (AIR ASSAULT)
CAMP LOYALTY, IRAQ APO AE 09390



**REPLY TO
ATTENTION OF**

AFZB-KG-SJA

17 July 2006

MEMORANDUM FOR Commander, 506th Regimental Combat Team, 101st Airborne Division (Air Assault), Camp Loyalty, Iraq 09390

SUBJECT: Legal Review of AR 15-6 Investigation – Escalation of Force Occurring on 10 July 2006

1. I have completed a legal review of the subject investigation and find it to be legally sufficient IAW AR 15-6, para. 2-3(b). Recommend that the findings and recommendations be approved with the following exceptions/substitutions:

a. The element involved should conduct EOF refresher training and recertification IAW MNC-I Policy Letter #15.

b. A CERP condolence payment should be made to the family of the deceased local national IAW MNC-I Policy Letter #15.

2. Point of contact for this legal review is the undersigned at VOIP (b)(2)High or SIPR at (b)(3)(b)(6)@us.army.smil.mil.

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

CPT, JA
Trial Counsel



DEPARTMENT OF THE ARMY
HEADQUARTERS, BRIGADE TROOPS BATTALION
506TH REGIMENTAL COMBAT TEAM
101ST AIRBORNE DIVISION (AIR ASSAULT)
CAMP LOYALTY, IRAQ 09390



REPLY TO
ATTENTION OF

AFZB-KG-CO

11 July 2006

MEMORANDUM FOR MAJ David Biggins, Headquarters, Brigade Troops Battalion, 506th
Regimental Combat Team, Camp Loyalty, Iraq 09390

SUBJECT: Appointment as Investigating Officer

1. You are hereby appointed an investigating officer pursuant to AR 15-6 to conduct an informal investigation into the escalation of force incident involving SPC (b)(3)(b)(6) of HHB, 4-320 Field Artillery Regiment, that occurred on or about 10 July 2006. During the escalation of force incident, a local national was killed. Your investigation will focus on the following areas:

a. What activity was the unit engaged in when the escalation of force occurred? What were the facts and circumstances that led to the escalation of force?

b. Did the escalation of force comply with the Rules of Engagement?

c. Was the escalation of force appropriate, given the facts and circumstances?

d. What is the name and address of the local national that was killed? Who is the local national's next of kin?

e. What, if any, corrective actions, training, or changes to procedures should be made in light of this incident?

2. In your investigation, all witness statements will be taken on paper and sworn to at your discretion using DA Form 2823. If you discover any suspected criminal misconduct you must first read the individual their Article 31, UCMJ Rights, prior to taking their statement. From the evidence, you will make findings as to whether any criminal laws or Army regulations have been violated. In addition to your findings, you will make recommendations for any appropriate action to be taken. These recommendations may include but are not limited to: UCMJ or administrative actions concerning one or more individuals, additional training, policy changes, etc. Conduct your investigation pursuant to AR 15-6. Additionally, seek advice from RCT Legal prior to commencing your investigation (VOIP (b)(2)High).

3. Record your findings and recommendations utilizing DA Form 1574. Submit your investigation packet to this headquarters NLT 1700 16 July 2006. Any requests for an extension should be made to me verbally or in writing.

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

COL, IN
Commanding

004168

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

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

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) 506TH REGIMENTAL COMBAT TEAM
(Appointing authority)

on 11 Jul 06 *(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 Loyalty, Baghdad, Iraq at 1900
(Place) (Time)

on 12 Jul 06 (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 2045 on 13 Jul 06
(Time) (Date)
and completed findings and recommendations at 1800 on 15 Jul 06
(Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

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

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 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?	X		
	b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	X		
	c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	X		
	d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?	X		
	e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?			X
	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?			X
	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)?			X
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?			X
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)?			
FOOTNOTES: 1) Explain all negative answers on an attached sheet. 2) Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.				

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

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

a. What activity was the unit engaged in when the escalation of force occurred? What were the facts and circumstances that led to the escalation of force?

1. On 10 July 2006, HHB 4-320th FAR was given a mission to conduct a cordon and search of 3 objectives in zone 48 in the district of Zaphyrnia to search for a 10-14 year old female who was allegedly abducted and raped by local national males (Exhibits 1, 2, 3, 4). The mission derived from a tip the 4-320th S2 received while attending a local District Advisory Council (DAC) meeting. CPT (b)(3)(b)(6) commander of HHB 4-320th FAR, planned the mission by task organizing 3 four-man assault teams to conduct a cordon and search of the 3 objectives (Exhibit 1). One team comprised of SGT (b)(3)(b)(6) (team leader), SGT (b)(3)(b)(6), SP6 (b)(3)(b)(6) and SP6 (b)(3)(b)(6) arrived at the target location and conducted a search of Objective C that included searching the structures in that area with nothing significant to report at that location. Upon clearing the objective the 4 man team moved north through a wooded area looking for a weapons cache and making their way towards Objective A.

2. Upon arriving at the road in front of Objective A, SGT (b)(3)(b)(6) was detected by 2 local national males who promptly entered an established that was later identified as a billiard room (Exhibit 4). SGT (b)(3)(b)(6) ordered his team to that location because of the suspicious nature of the local nationals and proceeded to clear the room of the local nationals. SGT (b)(3)(b)(6) cleared the room with only himself and SP6 (b)(3)(b)(6) because of the small size of the room. SGT (b)(3)(b)(6) and SP6 (b)(3)(b)(6) remained outside to control the exiting local nationals. While exiting the billiard room a few local nationals attempted to flee the scene to include a male later identified as (b)(6). In his attempt to flee, the local national was interdicted by SP6 (b)(3)(b)(6) when the LN grabbed the muzzle of SP6 (b)(3)(b)(6) weapon in an attempt to wrestle it from his possession (exhibits 3, 4, 5, 11, 12, 13, 14) before disengaging and fleeing the scene through an alley adjacent to the billiard room. The LN was unable to disarm SP6 (b)(3)(b)(6) because of his resistance and because the weapon was "snaplinked" to his IBA (exhibit 13). The assault team pursued the local national into the alley yelling in Arabic for the LN to stop (exhibits 3, 4, 5). When the LN refused to stop SGT (b)(3)(b)(6) fired a warning shot that struck a large bus that was parked in the alley followed immediately afterwards by a non-lethal round that was fired by SGT (b)(3)(b)(6) (exhibits 3, 4, 5, 6). The non-lethal round struck the LN in the lower abdomen but the LN continued to flee the scene. After the first two shots were fired SP6 (b)(3)(b)(6) fired a disabling shot at the LN which struck him in the leg. The LN collapsed to the ground and was approached by the team who subsequently called for a medic and pulled security. CP (b)(3)(b)(6) approached the scene with SSG (b)(3)(b)(6) and 1SG (b)(3)(b)(6) and instructed the team to continue their mission in the target area. A medic arrived on the scene to perform aid on the LN but was not able to sustain his life.

b. Did the escalation of force comply with the Rules of Engagement: The EOF did not fully comply with the MND-B ROE dated 2 July 06 (exhibit 7) because the soldier fired a disabling shot that is not authorized when engaging dismounted enemy. Only lethal shots are authorized. The LN did, however, commit a hostile act by using force while attempting to disarm SP6 (b)(3)(b)(6) and the attack team was able to maintain PID with the LN throughout the EOF procedures. The LN made no attempt to surrender after committing the hostile act and continued to flee despite EOF procedures taken to try and detain the LN (exhibit 8).

c. Was the escalation of force appropriate given the facts and circumstances: Yes. The soldiers of the assault team shouted in Arabic (which was demonstrated to me during the interviews), showed intent to use their weapons by aiming the weapon at the LN in a shooters position, shot a non-lethal and warning shot at the LN and finally rendering an aimed shot delivered by SP6 (b)(3)(b)(6) that fatally injured the LN. The EOF was technically executed in the wrong order because a warning shot was fired prior to the non-lethal round but this is acceptable because SGT (b)(3)(b)(6) did not possess a non-lethal round and performed the next step in the EOF which was to fire a warning shot.

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

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

The actions taken by the assault team were IAW the EOF and ROE training they have received and discuss prior to going out on each mission. 4-320th FAR is currently conducting ROE refresher training for the entire Battalion IAW RCT FRAGO. Training should highlight that a disabling shot is only intended for vehicles (exhibit 9) because each soldier interviewed described SP6 (b)(3)(b)(6) shot as a disabling shot. No further training or corrective action is required based upon current ongoing training. Sustain EOF and ROE briefings that occur prior to each mission conducted by this unit.

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/Dependent)

(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 3-3, AR 15-6)

The findings and recommendations of the (investigating officer) board are ~~approved~~ approved with following exceptions/substitutions. (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)

I approve the findings and recommendations that this action was within the ROE. I remand all other recommendations to the BDE CDR to take action as he deems appropriate.

31 JUL 2006

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

DAVID D. HALVERSON
Brigadier General, US Army
Deputy Commanding General (Support)



DEPARTMENT OF THE ARMY
 Headquarters, Brigade Special Troops Battalion
 506th Regimental Combat Team, 101st Airborne Division (Air Assault)
 Forward Operating Base Loyalty, Iraq
 APO, AE 09390-1505



REPLY TO
ATTENTION OF:

AFZB-KG-L-CO

15 July 06

MEMORANDUM FOR Commander, 506th Regimental Combat Team

SUBJECT: Investigating Officer's Report – Escalation of Force Occurring 10 JUL 06

1. Pursuant to AR 15-6, I have conducted an informal investigation into the escalation of force incident involving SPC (b)(3)(b)(6) of HHB, 4-320th Field Artillery Regiment, that occurred on the evening of 10 July 2006. My findings are as follows:

a. What activity was the unit engaged in when the escalation of force occurred? What were the facts and circumstances that led to the escalation of force?

1. On 10 July 2006, HHB 4-320th FAR was given a mission to conduct a cordon and search of 3 objectives in zone 48 in the district of Zaphymia to search for a 10-14 year old female who was allegedly abducted and raped by local national males (Exhibits 1,2, 3, 4). The mission derived from a tip the 4-320th S2 received while attending a local District Advisory Council (DAC) meeting. CPT (b)(3)(b)(6) commander of HHB 4-320th FAR, planned the mission by task organizing 3 four-man assault teams to conduct a cordon and search of the 3 objectives (Exhibit 1). One team comprised of SGT (b)(3)(b)(6) (team leader), SGT (b)(3)(b)(6), SPC (b)(3)(b)(6) and SPC (b)(3)(b)(6) arrived at the target location and conducted a search of Objective C that included searching the structures in that area with nothing significant to report at that location. Upon clearing the objective the 4 man team moved north through a wooded area looking for a weapons cache and making their way towards Objective A.

2. Upon arriving at the road in front of Objective A, SGT (b)(3)(b)(6) was detected by 2 local national males who promptly entered an established that was later identified as a billiard room (Exhibit 4). SGT (b)(3)(b)(6) ordered his team to that location because of the suspicious nature of the local nationals and proceeded to clear the room of the local nationals. SGT (b)(3)(b)(6) cleared the room with only himself and SPC (b)(3)(b)(6) because of the small size of the room. SGT (b)(3)(b)(6) and SPC (b)(3)(b)(6) remained outside to control the exiting local nationals. While exiting the billiard room a few local nationals attempted to flee the scene to include a male later identified as (b)(6). (b)(6) In his attempt to flee, the local national was interdicted by SPC (b)(3)(b)(6) when the LN grabbed the muzzle of SPC (b)(3)(b)(6) weapon in an attempt to wrestle it from his possession (exhibits 3,4,5,11,12,13,14) before disengaging and fleeing the scene through an alley adjacent to the billiard room. The LN was unable to disarm SPC (b)(3)(b)(6) because of his resistance and because the weapon was "snaplinked" to his IBA (exhibit 13). The assault team pursued the local national into the alley yelling in Arabic for the LN to stop (exhibits 3,4,5). When the LN refused

AFZB-KG-L-CO

SUBJECT: Investigating Officer's Report – Escalation of Force Occurring 10 JUL 06

to stop SGT (b)(3)(b)(6) fired a warning shot that struck a large bus that was parked in the alley followed immediately afterwards by a non-lethal round that was fired by SGT (b)(3)(b)(6) (exhibits 3,4,5,6). The non-lethal round struck the LN in the lower abdomen but the LN continued to flee the scene. After the first two shots were fired SPC (b)(3)(b)(6) fired a disabling shot at the LN which struck him in the leg. The LN collapsed to the ground and was approached by the team who subsequently called for a medic and pulled security. CPT (b)(3)(b)(6) approached the scene with SSG (b)(3)(b)(6) and 1SG (b)(3)(b)(6) and instructed the team to continue their mission in the target area. A medic arrived on the scene to perform aid on the LN but was not able to sustain his life.

b. Did the escalation of force comply with the Rules of Engagement: The EOF did not fully comply with the MND-B ROE dated 2 July 06 (exhibit 7) because the soldier fired a disabling shot that is not authorized when engaging dismounted enemy. Only lethal shots are authorized. The LN did, however, commit a hostile act by using force while attempting to disarm SPC (b)(3)(b)(6) and the attack team was able to maintain PID with the LN throughout the EOF procedures. The LN made no attempt to surrender after committing the hostile act and continued to flee despite EOF procedures taken to try and detain the LN (exhibit 8).

c. Was the escalation of force appropriate given the facts and circumstances: Yes. The soldiers of the assault team shouted in Arabic (which was demonstrated to me during the interviews), showed intent to use their weapons by aiming the weapon at the LN in a shooters position, shot a non-lethal and warning shot at the LN and finally rendering an aimed shot delivered by SPC (b)(3)(b)(6) that fatally injured the LN. The EOF was technically executed in the wrong order because a warning shot was fired prior to the non-lethal round but this is acceptable because SGT (b)(3)(b)(6) did not possess a non-lethal round and performed the next step in the EOF which was to fire a warning shot.

d. What is the name and address of the local national that was killed? Who is the local national's next of kin? With help of the Iraqi Police, CPT (b)(3)(b)(6) identified the LN as (b)(6) (b)(6) who lived a few hundred meters down the street from the objective (exhibit 2). The IPs helped CPT (b)(3)(b)(6) provide a claims card for the family and instructions on how to use the card. Names of the next of kin and a street address are not available.

e. What, if any, corrective actions, training, or changes to procedures should be made in light of this incident? The actions taken by the assault team were IAW the EOF and ROE training they have received and discuss prior to going out on each mission. 4-320th FAR is currently conducting ROE refresher training for the entire Battalion IAW RCT FRAGO. Training should highlight that a disabling shot is only intended for vehicles (exhibit 9) because each soldier interviewed described SPC (b)(3)(b)(6) shot as a disabling shot. No further training or corrective action is required based upon current ongoing training. Sustain EOF and ROE briefings that occur prior to each mission conducted by this unit.

2. A table of contents and all exhibits are attached. POC for this investigation is MAJ (b)(3)(b)(6) (b)(3)(b)(6) as (b)(3)(b)(6) @bct4.army.smil.mil or VOIP (b)(2)High

AFZB-KG-L-CO

SUBJECT: Investigating Officer's Report – Escalation of Force Occurring 10 JUL 06

APPOINTING AUTHORITY'S
ACTION

APPROVAL/DISAPPROVAL
COMMENTS

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

COL, IN
Commanding

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Exhibit 2: Sworn Statement CPT

Exhibit 3: Sworn Statement SPC

Exhibit 4: Sworn Statement SGT (b)(3)(b)(6)

Exhibit 5: Sworn Statement SPC

Exhibit 6: Sworn Statement SGT

Exhibit 7: MND-B Rules of Engagement

Exhibit 8: 506th RCT ROE Refresher Training Slide #20

Exhibit 9: 506th RCT ROE Refresher Training Slide #22

Exhibit 10: SIR

Exhibit 11: Sworn Statement #2 SPC

Exhibit 12: Sworn Statement #2 SGT

Exhibit 13: Sworn Statement #2 SGT

Exhibit 14: Sworn Statement #2 SPC

10 2100-0053L JUL 06, HHB QRF, FSC QRF, AND IA MP, Combined Cordon and Search, Zone 48

SUMMARY:
Combined Cordon and Search

WHO: HHB QRF, FSC QRF, and IA MP

WHAT: Conducted combined cordon and search

WHERE: Zone 48

WHEN: 10 2100 - 0053L JUL 06

WHY: IOT locate reported kidnapping/rape victim

MISSION OF UNIT

T: Conduct combined cordon and search

P: IOT locate reported kidnapping/rape victim, disrupt kidnapping cell.

TIMELINE OF EVENTS

- ❖ 102100: PALEHORSE (HHB QRF) SP FOR OBJECTIVE AREA.
- ❖ 102111: SCALPER (FSC QRF) SP FOR OBJECTIVE AREA.
- ❖ 102236: OSC REPORTED ALL 3 OBJ AREAS CLEAR, NO KIDNAP VICTIM FOUND.
- ❖ 102238: OSC REPORTED FROM OBJ THAT 18 LNS HAVE BEEN DETAINED FOR TACTICAL QUESTIONING
- ❖ 102240: OSC REPORTED SHOTS FIRED RESULTING IN 1 X LN KIA; INVESTIGATION BEING CONDUCTED.
- ❖ 102315: 4/A 4-320 ESCORTS 1 X PLT OF IP TO THE SCENE.
- ❖ 110015: UNITS BEGIN DEPARTING OBJ AREA
- ❖ 110053: ALL UNITS HAVE RETURNED TO FOB LOYALTY.

SUMMARY:

- 1 x COMBINED CORDON & KNOCK CONDUCTED
- 0 x KIDNAP VICTIM FOUND
- 16 x LN TACTICALLY QUESTIONED AND RELEASED
- 1 x LN KIA
- 0 x US/ISF INJ

(b)(2)High

Exhibit 1

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 <i>FOB Loyalty</i>	2. DATE (YYYYMMDD) <i>20060713</i>	3. TIME <i>2057</i>	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME <i>(b)(3)(b)(6)</i>	6. SSI <i>(b)(3)(b)(6)</i>	7. GRADE/STATUS <i>03/ACTIVE</i>	
8. ORGANIZATION OR ADDRESS <i>HHC / 4-320 FAR, SOGTH RCT, 101ST ABN DIV (ASLT) APO AE 09323</i>			

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

ON 10 July 2006 my battery was given a mission to conduct a cordon and search of 3 farm houses in Zetaranin, Zone 48, IVO the Jasie Diyala bridge *(b)(2)High*. I received the WARNO at approx. 1900 and issue my OPORD at 1945. I tasked my HHC QRF platoon as the assault element, which task organized into three 4 man assault team each responsible for a specific target house. I tasked my G/801ST QRF platoon as the support element, in charge of the inner cordon, EPW collection and CASEVAC. The objective area was comprised of 3 target houses and a large field between them. I had coordinated with the acting A/4-320th commander to have the 1A patrol he was currently using that night (on a separate mission) meet me at my objective to establish the outer cordon.

At ~~2000~~ ²¹⁰⁰ *(b)(3)(b)(6)* the assault platoon SPD followed by the support platoon at ~~2010~~ ²¹¹⁰ *(b)(3)(b)(6)*. I was located with the support platoon. The assault platoon began their infiltration at 2130 and was at their assault by fire position at 2150, the support element was staged along RTF *(b)(2)High* just to the east of the target. The assault began at approximately 2205

10. EXHIBIT <i>2</i>	11. INITIALS OF PERSON MAKING STATEMENT <i>(b)(3)(b)(6)</i>	PAGE 1 OF <i>3</i> 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 INDICATED.

STATEMENT OF (b)(3)(b)(6) TAKEN AT FOB Loyalty DATED 13 JULY 2006

9. STATEMENT (Continued)

The time was now 2230. The medics continued to attempt to save the CW's life, but expired at approx. 2240. I called the SITREP IN to my BWS TOC who sent the SFR to BDE. The body was moved to the center of the objective to maintain security. IP's arrival at 2330. I had identified the man as (b)(6) who lived a few hundred meters down the street from the objective. The IP officer agreed to take possession of the body and to NOTIFY his family. I gave the IP a claims card and INTERACTIONS as how the family could file a claim for compensation. We departed for FOB Loyalty at 0030 and arrived at 0100.

NOTHING follows. (b)(3)(b)(6) (b)(3)(b)(6)

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

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

STATEMENT OF (b)(3)(b)(6) TAKEN AT Fob Loyalty DATED 13 July 2006

9. STATEMENT (Continued)

and the support element arrived on the objective at approx. 0210. The IA element was ~~not~~ delayed, and did not arrive until 0215. As I entered the objective area, positioned myself near the center house (005 BT) I dismounted and heard a single gun shot to my rear. Myself, the 6/801st PL (SSG (b)(3)(b)(6)) and the G/801st ISG (SSG (b)(3)(b)(6)) ran towards the sound of the shot. We approached a dark alley that had a large bus parked in it. I first encountered SGT (b)(3)(b)(6) who told me a CW male was shot by SPC (b)(3)(b)(6). I next saw SPC (b)(3)(b)(6) who I asked "why did you shoot the guy?" he told me that the CW male tried to grab SPC (b)(3)(b)(6) weapon and refused orders to halt when pursued. He further stated that CW appeared to have a weapon in his hand. I called for a medic and order SGT (b)(3)(b)(6) to take his team back to the TGT Area and continue mission. The medic, SPC (b)(3)(b)(6) (HUB/4320), arrived and began first aid.

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 3. 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 THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

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

WITNESSES:

(b)(3)(b)(6) 1SG
ORGANIZATION OR ADDRESS
448 4-320 FA
Unit 15404
APO AE 09390
ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 13th day of July, 2006 at Fob Loyalty

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

(b)(3)(b)(6)
(Type name of Person Administering Oath)

(Authority To Administer Oaths)

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

PAGE 3 OF 3 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 Fob Loyalty	2. DATE (YYYYMMDD) 20060713	3. TIME 1340	4. FILE NUMBER
5. LAST NAME (b)(3)(b)(6)	FIRST NAME (b)(3)(b)(6)	MIDDLE NAME	7. GRADE/STATUS SPC / Active
8. ORGANIZATION OR ADDRESS 4/520th HHB			

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

We had recieved a warno that we were going to search 8 houses and the surrounding area for a young girl who was being held hostage by approx. 4 to 5 men. We left Fob Loyalty and proceeded to the objective. Once we arived on the objective we searched the three target locations. We then proceeded to search the surrounding homes. Upon one of the homes as two members went into the home/billiard a man came out of the house as I was guiding him to the side of the home/billiard he grabbed the end of my weaton and proceeded to take control of it. Once I had pushed him off he then ran down the ally way after being instructed to stop one member of the stack team shot a controlled warnings shot in the ground. The subject still proceeded to run. shortly after the warnings shot SGT Woods shot a non leathal round and the subject still proceeded to run. SPC INNES then shot a disabaling shot after witch I went back to the other side of the billiard to assist in the detainment of the individuals that were in the home.

10. EXHIBIT 3	11. IN (b)(3)(b)(6)	PERSON MAKING STATEMENT	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.

STATEMENT OF

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

TAKEN AT

Foblovally

DATED

20060713

9. STATEMENT (Continued)

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

AFFIDAVIT

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

I, _____, 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)

(Signature) in Making Statement)

WITNESSES:

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

INT, FA

1046/4-320 FR2

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 13 day of July, 2006 at Foblovally

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

(Signature) Oath)

(Signature) g Oath)

(Authority To Administer Oaths)

INITIALS OF

ING STATEMENT

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

PAGE 1 OF 2 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION FOB LOYALTY 2. DATE (YYYYMMDD) 2006 07 13 3. TIME 1922 4. FILE NUMBER

5. (b)(3)(b)(6) 6. (b)(3)(b)(6) 7. GRADE/STATUS E-4/Active

8. HAB 4/370 FAR

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

ON THE NIGHT OF 10 JUL 2006 MY PLATOON WAS SENT TO CONDUCT A CORDON AND SEARCH OF THREE HOUSES IN ZAFRINYA. THERE WAS INTEL THAT 4 TO 5 LOCAL NATIONALS WERE HOLDING A YOUNG GIRL HOSTAGE AND WERE RAPING HER REPEATEDLY. MY TEAM WENT TO OBJ C FIRST AND CLEARED TWO BUILDINGS THERE, I THEN MOVED MY TEAM ACROSS THE FIELD TO OBJ A. WHILE CLEARING OBJ A I NOTICED 2 LNs MOVING ACROSS THE STREET INTO THE BUILDING (BILLARD HALL). AFTER OBJ A WAS CLEAR I CALLED IN MY TEAMS STATUS AND GOT ORDERS FROM (PT MILLER TO MOVE ACROSS THE ROAD AND CLEAR TO THE RIVER. THE FIRST HOUSE WE HIT WAS A SHORT ROOM I WAS POINT AND CALLED IT SO JUST MYSELF AND SPC (b)(3)(b)(6) WERE INSIDE. WE GOT EVERYONE OUT AND WE WERE ON OUR WAY TO THE DOOR AND I HEARD SPC (b)(3)(b)(6) SAY HE HAS MY WEAPON OR SOMETHING ALONG THOSE LINES WE THEN RAN OUT I SAW THE GUY PULLING ON HIS RIFLE HE THEN RAN AND WE GAVE CHASE YELLING FOR HIM TO STOP. ROUNDING THE CORNER SGT WHEELER SHOT A WARNING SHOT AND HIT THE BUS STILL RUNNING I SHOT AND HIT HIM WITH A NON-LETHAL M203 ROUND. HE MOANED TURNED BRIEFLY THEN KEPT RUNNING. WHEN HE TURNED

10. EXHIBIT 4 11. INITIAL (b)(3)(b)(6) IN MAKING STATEMENT 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.

STATEMENT OF (b)(3)(b)(6) TAKEN AT FOB LOYALTY DATED 13 JUL 06

9. STATEMENT (Continued) HE HAD SOMETHING IN HIS HAND BUT I DON'T KNOW WHAT. WE HE TURNED AND RAN AGAIN SPC (b)(3)(b)(6) SHOT HIM IN THE LEG. HE WENT DOWN, I IMMEDIATELY CALLED FOR A MEDIC, MY TEAM ADVANCED TO PULL SECURITY HE WAS STILL ALIVE. THE MEDIC ARRIVED ABOUT 1 MINUTE AFTER HE WAS SHOT. THE MEDIC HAD A SECURITY ELEMENT WITH THEM, WHEN THEY GOT DOWN TO THE BODY I MOVED MY TEAM TO CONTINUE OUR MISSION. NOTHING FOLLOWS

(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 STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE

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

STATEMENT MADE OF EACH PAGE READ, WITHOUT (statement)

WITNESSES:

(b)(3)(b)(6)
ORGANIZATION OR ADDRESS RCJ

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 13 day of July, 2006 at FOB Loyalty

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

(Signature of Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

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

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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

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DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION FOB LOYALTY	2. DATE (YYYYMMDD) 20060713	3. TIME 2000	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 Active	
8. ORGANIZATION OR ADDRESS MHB 4/320th FAR			

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

The mission started with the gathering of the assault teams before we crossed through the field on our way to the main three objectives. Once gathered at the edge of the road we split up and started our assault on the A, B, C objectives. We cleared these objectives and got further guidance to clear past the objectives up the road. Our assault team immediately moved to the pool hall and started to clear it. In the process of clearing it one of the men grabbed Spc (b)(3)(b)(6) weapons which brought on a brief struggle. The man started running away while we were yelling stop. Spc (b)(3)(b)(6) fired a warning shot and we continued to yell stop. Spc (b)(3)(b)(6) fired a non-lethal 203 round and hit the man running away. We continued to yell stop and I fired a round to disable. The man went down and we immediately yelled for a medic. Spc (b)(3)(b)(6) came over to the man very quickly and started treatment. We were moved and given the order to continue clearing down the road past the pool hall which we started within a few minutes. NOTHING FOLLOWS

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

10. EXHIBIT 5	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 INDICATED.

STATEMENT OF

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

TAKEN AT FEB LOYALTY

DATED 13 JUL 06

9. STATEMENT (Continued)

NOTHING FOLLOWS

(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)

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 13th day of July, 2006 at

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

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

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: Fob Loyalty, Baalabed, Iraq
2. DATE (YYYYMMDD): 20060713
3. TIME: 1424
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 / Active
8. ORGANIZATION OR ADDRESS: HUB 4/320th FAR, FOB Loyalty

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

GRF team recieved a mission about a kidnapped girl by AIF. SP the gate a 2100 took oilers to wild, ingressed SSW got stuck in truck, moved the rest of the way dismounted. Two stack teams hit objectiv C my stack team preceeded on to Alpha, moved through the fields, crossed under wire, guys at pool hall came running out, one Iraqi grabbed SPC (b)(3)(b)(6) weapon, they struggled, I fired first a warning shot (Aimed) lost site of the runner got the call there was a wounded Iraqi, I called Tt up to higher, medic was brought down then my stack team went on with the mission. #

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

10. EXHIBIT: 6
11. INITIALS: (b)(3)(b)(6) MAKING STATEMENT
PAGE 1 OF 1 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 BE INDICATED.

STATEMENT OF

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

TAKEN AT Fob Loyalty

DATED 13 July 2006

9. STATEMENT (Continued)

(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 INF

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 13 day of July, 2006 at Fob Loyalty

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

ORGANIZATION OR ADDRESS

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

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

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MA

NT

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

PAGE 2 OF 2 PAGES

Pages 29 through 56 redacted for the following reasons:

(b)(2)High, Nonresponsive

506th RCT Serious Incident Report

From: Commander, 506 RCT

To: 4th ID / Division Operation Center

Subject: SIR, EOF, 1 x LN KIA

1. Category: 3

2. Type of incident: 1 x LN KIA

3. DTG: 102321JUL06

A. DTG of Incident: 102245JUL06

B. DTG Unit was notified of Incident: 102321JUL06

C. DTG received by DOC:

4. Location: (b)(2)High

5. Personnel involved: 1

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

1. Rank or grade: SPC

2. Social Security Number: (b)(3)(b)(6)

3. Race: (b)(3)(b)(6)

4. Sex: (b)(3)(b)(6)

5. Age: (b)(3)(b)(6)

6. Position: QRF rifleman

7. Security clearance: (b)(3)(b)(6)

8. Unit and station of assignment: HHB/4-320th FA

9. Duty status: Active

10. Marital Status: (b)(3)(b)(6)

B. Summary of incident: On 102330JUL06 HHB was conducting a hasty cordon and search of a house in which a suspected kidnapping victim was located. During execution of this operation, B TM from Palehorse was assaulting OBJ B1 when 3 x LN ran out of the target house, one LN attempted to grab the weapon of a QRF soldier. The Soldier pushed the LN away and told him to stop. The LN continued to run from the CF and SPC (b)(3)(b)(6) fired 1 x 5.56mm warning shot. The LN continued to flee the scene and another member of the QRF fired 1 x 40mm (Non-lethal M203) round into the LN's lower abdomen. The LN continued to run and made his way into a dark alley where a large bus was parked. SPC (b)(3)(b)(6) ordered the LN to stop moving and visually identified something metallic in the LN's hand. SPC (b)(3)(b)(6) once again ordered the LN to stop when the LN raised his hand with the metallic object, SPC (b)(3)(b)(6) felt imminent danger and fired 1 x 5.56mm into the LN's chest. Contact was called to the CDR (CPT (b)(3)(b)(6)) and a medic was immediately dispatched to the scene to treat the LN for injuries.

Exhibit 10

004217

Page 58 redacted for the following reason:

(b)(2)High

506 RCT Serious Incident Report

Once the medic arrived, the area was searched for a weapon and only a metallic cell phone was found on the ground near the LN's hand. The medic continued to administer first-aid when at 102245JUL06 the LN was pronounced dead. The Ma'adain IP's will take possession of the body and the HHB CDR on the ground is attempting to locate family in the area.

6. Other Information: None

A. Racial Involvement: None

B. Alcohol Involvement: None

C. Last Deployment to OIF/OEF (include start and end dates): NONE

7. Remarks: This SIR was generated from the initial Ground Commander's SPOT Report. Upon completion of the mission 4-320 FA will take sworn statements from all personnel involved. 506 RCT JAG will assist in a Legal review. A 15-6 investigation will be conducted. A CERP condolence payment will be made to the NOK as soon as the NOK can be located.

8. Commander reporting: (b)(3)(b)(6), COL, IN, CDR 506 RCT

9. Point of contact: (b)(3)(b)(6) CPT, FA, BTRY Commander, HHB\4-320th FA

10. Report originated by: (b)(3)(b)(6) CPT, FA, AS3, HQ/4-320th FA

11. Released by: (b)(3)(b)(6), CPT, IN, 506 RCT BTL CPT VOIP 673-1130

12. Unit 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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FOD / DOC NCO ONLY:

Current FOD & DOC NCOIC:

FOD / DOC NCO Actions:

FOD Notifications:

A. Telephone

004219

506 RCT Serious Incident Report

<u>Position</u>	<u>Name</u>	<u>Time</u>	<u>Instructions</u>
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<u>B. Email Position</u>	<u>Name</u>	<u>Time</u>	<u>Instructions</u>
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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 identified.
ROUTINE USES: Your social security number is used as an additional alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION FOB Loyalty, Baghdad Iraq	2. DATE (YYYYMMDD) 2006/07/17	3. TIME 1615	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME (b)(3)(b)(6)	6. SSN (b)(3)(b)(6)		7. GRADE/STATUS SPC/Active
8. ORGANIZATION OR ADDRESS			

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

- Did you see the LN grab and tug on SPC (b)(3)(b)(6) weapon. If so please describe the incident.
yes, the LN grabbed my weapon with force as to take it from me I had struggled to gain control of it once I did the LN had fled from me.
- Why do you think the LN grabbed at SPC (b)(3)(b)(6) weapon? What was your perception on why he did this?
The LNs' intent of grabbing my weapon was to use it. The LN was not trying to push the weapon away because he had to come up to me after ordering him to go to the direction of the other detainees
- Do you have any additional information you would like to add to your sworn statement?
NA

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

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

STATEMENT OF

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

TAKEN AT

Job Loyalty

DATED

2006/07/17

9. STATEMENT (Continued)

Nothing follows

(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 1. 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)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 17 day of July, 2006 at Job Loyalty

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

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 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 identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: FOB Loyalty, Baghdad Iraq
2. DATE (YYYYMMDD): 2006/07/17
3. TIME: 1620
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 / Active

8. ORGANIZATION OR ADDRESS: H4B 4/320th FAR

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

1. Did you see the LN grab and tug on SPC (b)(3)(b)(6) weapon. If so please describe the incident.
yes, he grab (b)(3)(b)(6) weapons by the muzzle and started to try and get it from him, there was a struggle by (b)(3)(b)(6) and LN. And we all started to go through the EDF

2. Why do you think the LN grabbed at SPC (b)(3)(b)(6) weapon? What was your perception on why he did this?
probably trying to take it from him and use it on us, maybe mad for us being there or trying to hide something he didn't want us to find.

3. Do you have any additional information you would like to add to your sworn statement? No.

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

10. EXHIBIT: 12
11. INITIALS: (b)(3)(b)(6) NG STATEMENT
PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF

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

TAKEN AT

FBI Loyalty

DATED

17 July 2006

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 1. 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)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 17 day of July, 2006 at FBI (b)(3)(b)(6)

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

MSG

ORGANIZATION OR ADDRESS

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

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 8397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION FOB Loyalty, Baghdad Iraq	2. DATE (YYYYMMDD) 2006/07/17	3. TIME 1603	4. FILE NUMBER
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5. LAST NAME FIRST NAME MIDDLE NAME (b)(3)(b)(6)	6. GRADE/STATUS E-5/ACTIVE
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8. ORGANIZATION OR ADDRESS
HHB 4/320 FAR

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

1. Did you see the LN grab and tug on SPC (b)(3)(b)(6) weapon. If so please describe the incident.
 YES. I CAME OUT OF THE ROOM AND SAW THE LN WITH BOTH HANDS ON (b)(3)(b)(6) WEAPON. HE LOOKED TO BE PULLING IT TO GAIN CONTROL BUT IT WAS SECURED WITH A SNAP LINK TO (b)(3)(b)(6) KIT. HE LET GO AND THEN RAN DOWN THE ALLEY.

2. Why do you think the LN grabbed at SPC (b)(3)(b)(6) weapon? What was your perception on why he did this?
 I THINK HE GRABBED IT TO GAIN CONTROL OF IT. I SAW HIM PULLING AT THE MUZZLE, HE EITHER WANTED TO USE IT AGAINST US OR TAKE IT SO (b)(3)(b)(6) COULDN'T USE IT.

3. Do you have any additional information you would like to add to your sworn statement?
 NO NOTHING FOLLOWS

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

10. EXHIBIT 13	11. INITIALS (b)(3)(b)(6)	MAKING STATEMENT	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"
 THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF

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

TAKEN AT

16 03

DATED

17 JUL 06

9. STATEMENT (Continued)

(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

1

I FULLY UNDERSTAND

BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT

_____ HAVE MADE THIS
LAWFUL INDUCEMENT.

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 17 day of July, 2006

at

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

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

G,

ORGANIZATION OR ADDRESS

DAVID D. BIGGINS

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 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, 1949 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION FOB Loyalty, Baghdad Iraq	2. DATE (YYYYMMDD) 2006/07/17	3. TIME 1605	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 Active	
8. ORGANIZATION OR ADDRESS HNB 4/320 FAR			

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

1. Did you see the LN grab and tug on SPC (b)(3)(b)(6) weapon. If so please describe the incident.
Yes I saw the LN grab spc (b)(3)(b)(6) weapon. When I was leaving the pool hall I saw a brief struggle between the LN and Spc. (b)(3)(b)(6)

2. Why do you think the LN grabbed at SPC (b)(3)(b)(6) weapon? What was your perception on why he did this?
I didn't know exactly why the LN grabbed spc. law's weapon but after he started running my perception was that he had had hostile intent and planned on continuing by possibly getting a different weapon.

3. Do you have any additional information you would like to add to your sworn statement?
NOTHING FOLLOWS

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

10. EXHIBIT 14	PERSON MAKING STATEMENT (b)(3)(b)(6)	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF

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

TAKEN AT

1615

DATED

17 JUL 06

9. STATEMENT (Continued)

NOTHING FOLLOWS

(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)

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 17 day of July, 2006 at Fort Liberty

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

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

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MADE

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

PAGE 2 OF 2 PAGES

Pages 69 through 135 redacted for the following reasons:

Duplicate Pages