



# AR 15-6 INVESTIGATION

## APPARENT ESCALATION OF FORCE (EOF) INCIDENT ON (b)(2)High

**13** DECEMBER 2007

**CTSOTF-AP**



004961

# Legal Review



DEPARTMENT OF THE ARMY  
HEADQUARTERS, SPECIAL OPERATIONS TASK FORCE—CENTRAL  
RADWANIYAH PALACE COMPLEX  
APO AE 09342

REPLY TO  
ATTENTION OF:

AOSO-SFA-F-JA

19 December 2007

MEMORANDUM FOR Commander, Special Operations Task Force—Central, APO AE 09342

SUBJECT: Legal Review of Findings and Recommendations of AR 15-6 Investigation,  
Apparent Escalation of Force (EOF) Incident on (b)(2)High, 131315Dec07

1. Reference: AR 15-6 Procedure for Investigating Officers and Board of Officers, 5,  
September 1996.

2. Purpose: To determine whether the Investigating Officer's (IO's) findings and  
recommendations, regarding the circumstances surrounding an apparent EOF incident on MSR  
Tampa, complies with the applicable regulation.

3. Background: On 13 December 2007 a HSC 1/5 SFG(A) convoy was traveling on (b)(2)High  
toward FOB Kalsu. The convoy consisted of 4 HMMWVs and 1 fuel truck. During normal  
convoy operations the gunner on the trail convoy vehicle, SP4(b)(3)(b)(6) observed a group of  
civilian vehicles approaching. In accordance with applicable EOF procedures SP4(b)(3)(b)(6) used  
hand and arm signals to keep the civilian vehicles away from the convoy. However, one vehicle  
failed to heed these warnings and maneuvered around the other civilian vehicles and accelerated  
at approximately 65 mph towards the convoy. It should be noted that the trail vehicle on the HSC  
convoy was traveling at approximately 50 mph. SP4(b)(3)(b)(6) again attempted to waive off the  
approaching red SUV with hand and arm signals, however, the vehicle kept approaching. SP4  
(b)(3)(b)(6) then escalated the amount of force to deter the approaching threat by firing warning shots  
from his M4 at the front of the vehicle. This too did not deter the vehicle from closing in on the  
convoy and SP4(b)(3)(b)(6) was forced to transition to his M2 to stop the threat. SP4(b)(3)(b)(6) engaged  
the red SUV at a distance of approximately 25 meters. SP4(b)(3)(b)(6) and the trail vehicle's IO,  
SSG(b)(3)(b)(6) informed the convoy commander, SSG(b)(3)(b)(6) of this incident upon arrival at FOB  
Kalsu. SSG(b)(3)(b)(6) failed to report the EOF incident higher.

4. Legal Standard: In accordance with AR 15-6, the findings of the IO are legally sufficient as:
- The investigation complied with the legal requirements for an informal 15-6 investigation;
  - The investigation complied with the IO appointment orders;
  - The evidence supports the IO's findings; and
  - The recommendations are consistent with the findings.

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AOSO-SFA-F-1A

SUBJECT: Legal Review of Findings and Recommendations of AR 15-6 Investigation, Apparent Escalation of Force (EOF) incident on (b)(2)High 131315Dec07

5. Recommendations:

(b)(5)

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

CPT. JA  
SOTF-C Legal Advisor

# **DA FORM 1574**

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# **Findings and Recommendations**



DEPARTMENT OF THE ARMY  
HEADQUARTERS, SPECIAL OPERATIONS TASK FORCE—CENTRAL  
RADWANIYAH PALACE COMPLEX  
APO AE 09342

REPLY TO  
ATTENTION OF:

AOSG-SFA-I-CD

20 December 2007

MEMORANDUM FOR RECORD

SUBJECT: Informal AR 15-6 Investigation into an Escalation of Force (EOF) Incident on (b)(2)High (b)(2)High on or about 131315Dec07

1. I have reviewed all evidence and information associated with the informal AR 15-6 investigation into an EOF incident involving an HSC 1/5 SFG(A) convoy, which occurred on or about 131315Dec07 on (b)(2)High and approve the findings and recommendations of the Investigating Officer (IO) with the following exceptions/substitutions:

a. **Findings.** Reporting requirements as contained in Appendix I (Reporting Schedule) to Annex R (Reporting) to SOTF-C's OPORD 07-001 clearly identifies the type of reports that should have been submitted in this situation. Here, a Hostile Incident Report (HIR) should have been generated within three hours of the convoy's return to base (RTB) because an apparent enemy contact occurred during a Level III CONOP. Moreover, due to the fact that SFC (b)(3)(b)(6) suspected that he may have wounded and/or killed an individual in the red suburban, a shooter statement should have been generated within 48 hours after mission complete. Simply stated, SOTF-C reporting requirements for an incident such as the one at issue here are clear.

2. **Recommendations.**

a. SOTF-C will immediately publish an updated Convoy Standard Operating Procedure (SOP), which will include, but not be limited to the following: applicable EOF guidance, mandatory reporting requirements, travel speed, vehicle markings, use of non-lethal instruments where practicable, and the use of tracer rounds.

b. SOTF-C will reiterate mandatory reporting requirements in the SOTF-C DOWNREP.

c. All SOTF-C convoys will be preceded by a detailed convoy brief, which will include, but not be limited to, immediate action drills, applicable EOF and ROE guidance, and proper reporting requirements.

d. Immediately upon RTB all SOTF-C convoys will conduct a detailed AAR to ensure that proper convoy SOP and reporting requirements were followed.

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AOSO-SFA-F-CO

SUBJECT: Informal AR 15-6 investigation into an Escalation of Force (EOF) Incident, on MSR Tampa on or about 131315Dec07

3. POC for this memorandum is CPT [redacted] (b)(3)(b)(6) SOTF-C Legal Advisor, at DSN 318;  
[redacted] (b)(2)High .SVOIP [redacted] (b)(2)High or [redacted] (b)(3)(b)(6) @iraq.socent.centcom.smil.mil.

[redacted] (b)(3)(b)(6)

Commanding



DEPARTMENT OF THE ARMY  
Headquarters, Special Operations Task Force Central  
APO AE 09342

AOSO-SFA-F-SC

18 December 2007

MEMORANDUM FOR Commander, Special Operations Task Force Central, APO AE 09342

SUBJECT: Informal Army Regulation (AR) 15-6 Investigation

1. FACTS:

a. On 13 Dec 2007 a HSC/15 SFG convoy was traveling on (b)(2)High towards FOB Kalsu. The convoy consisted of 4 HMMWVs and 1 fuel truck traveling at approximately 50 mph. SSG (b)(3)(b)(6) was the convoy commander in the lead truck. Passengers in the trail vehicle were (Serpent 4) SSG (b)(3)(b)(6) (TC), SPC (b)(3)(b)(6) (gunner), PFC (b)(3)(b)(6) (driver), and SGT (b)(3)(b)(6) (passenger) (See encls 9-13).

b. While traveling on (b)(2)High towards FOB Kalsu SPC (b)(3)(b)(6) the gunner on the trail convoy vehicle, noticed a group of vehicles approaching the convoy. He conducted hand and arm signals indicating to the civilian traffic to slow down. The group of civilian vehicles slowed down so as not to pass the convoy except for one red SUV which was located in the middle of the group. The SUV moved around the slowing traffic and continued to gain distance on the convoy at approximately 65 mph. SPC (b)(3)(b)(6) attempted to waive off the red SUV, but it continued, at which point he fired warning shots from his M4 at the front vehicle. The red SUV did not slow down so SPC (b)(3)(b)(6) transitioned to his M2 in order to stop the vehicle. SPC (b)(3)(b)(6) engaged the red SUV at an approximate distance of 25 meters. The approximate distances during the EOP actions by SPC (b)(3)(b)(6) are depicted in slides enclosed in his sworn statement (See encl 10). The vehicle was close enough after the engagement that the TC was able to see the SUV swerve off of the road through the passenger side windows. No one else besides the 4 Soldiers in the trail convoy vehicle were aware that Serpent 4 had fired at the red SUV (See encl 11). SPC (b)(3)(b)(6) suspected that a civilian may have been wounded, but was not sure (See encl 10).

c. Upon arriving to FOB Kalsu SPC (b)(3)(b)(6) and SSG (b)(3)(b)(6) immediately informed the convoy commander of the EOP incident with the red SUV (See encls 10 & 11). This was the first time that Serpent 4 informed the convoy commander that they had engaged a vehicle. When the convoy traveled across the same spot approximately 2 hours later they did not see the truck and did not know that civilians were wounded or killed. SSG (b)(3)(b)(6) did not report this incident to the Company Commander or ISG. No SIGACT, HIR, or shooter statement was reported to the SOIF (See encl 9).

2. FINDINGS. The following findings are based on evidence, verbal interviews and sworn statements:

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a. SOTF-C convoy did, in fact, fire on a red SUV via (b)(2)High during an escalation of force incident on 13 December 2007 (See encls 9-13).

b. All four soldiers in Serpent 4 were aware that the red SUV was engaged during an EOF event. The gunner and TC of Serpent 4 notified the convoy commander, SS (b)(3)(b)(6) of the EOF incident upon reaching their immediate destination of FOB Kalsu (See encl 10 & 11). At that point the convoy commander, SS (b)(3)(b)(6) did not believe that the incident met the criteria for reporting further up the chain of command (See encl 9).

c. SPC (b)(3)(b)(6) was responsible for firing his M4 and M2 during the EOF incident in which a red SUV posed a reasonable threat to himself and the convoy (See encl 10).

d. I find that every reasonable effort was made by SPC (b)(3)(b)(6) in order to make the SUV slow down and not reach the convoy. SPC (b)(3)(b)(6) used disabling shots as a last resort to negate the threat posed by the approaching vehicle. The vehicle was well within the distance warranting warning and disabling shots (See encl 10).

e. I find that the use of deadly force was in accordance with the current ROE and LOAC. The vehicle ignored signals (which were obeyed by other civilians in the immediate vicinity) and warning shots in order to get close to the convoy. It was only after the vehicle failed to obey all signals was force escalated to the point of potentially lethal effects. SPC (b)(3)(b)(6) reasonably believed that the fast approaching SUV posed a threat to himself and his convoy (See encls 4, 5, 10).

f. The SOTF-C convoy personnel were well trained in EOF prior to deployment and continued training prior to each convoy (See encls 7-12). Reporting procedures for an EOF are not clearly understood in the convoy team. The convoy members were aware that when they discharge their weapons they are to inform the convoy commander. The convoy commander was not clear as to what should and should not be reported higher (See encls 7-12). When the convoy traveled across the same spot approximately 2 hours later they did not see the truck and did not know that civilians were wounded or killed. SS (b)(3)(b)(6) did not believe that the incident needed to go higher up the chain of command (See encl 9). CPT (b)(3)(b)(6) stated that sending report of discharge of a weapon is at the discretion of the convoy commander (See encl 8). The standard for reporting as disseminated in the SOTF-C OPOD states that a HIR will be sent to SOTF NLT 3 hours after RTB and a shooter statement sent to SOTF NLT 48 hours after mission complete. The convoy commander was not aware of any reporting requirements when a weapon is discharged during a convoy (See encls 4 & 9). SS (b)(3)(b)(6) should have reported an engagement of a vehicle during an EOF situation to his chain of command for proper reporting higher.

g. HSC had a working SOP prior to deployment that was briefed to the convoy personnel prior to deployment. This SOP focused on immediate action drills and did not include reporting or marking procedures and was not brought to Iraq. An SOP was provided to me by SS (b)(3)(b)(6) but is not the same one which the Company trained on prior to deployment and only included 5 immediate action drills (See encls 7-12 & 14). The vehicle did not have any markings warning civilians not to approach (See encls 9-12). The reporting procedures for discharge of a weapon are not fully understood by all personnel within HSC and the convoy team. While the SOTF-C reports

annex in OPORD 07-001 does not clearly identify what report to send for an EOF incident. It is reasonable to assume that an HIR would be required.

5. RECOMMENDATIONS:

(b)(3)(b)(6), (b)(5)

7. The POC for this memorandum is the undersigned at (b)(2)High

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

- 14 Encls
- 1. Appointment orders
- 2. SIGACT from 3ID CPOF EOF event
- 3. CONOP for HSC: 15 SFG(A) convoy
- 4. App 1 to Annex R to OPORD 07-001
- 5. MNC-I ROE card
- 6. App 20 to Annex C to MNC-I OPORD 06-04
- 7. DA 2823 from 1SG
- 8. DA 2823 from CPL
- 9. DA 2823 from SSG
- 10. DA 2823 from SP4
- 11. DA 2823 from SSgt
- 12. DA 2823 from PFC
- 13. DA 2823 from SGT
- 14. 15<sup>th</sup> SFG(A) Tactical Convoy SOP

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

MAJ. MI  
Investigating Officer

# **APPOINTMENT ORDER**



OFFICE OF  
ATTENTION OF

DEPARTMENT OF THE ARMY  
Headquarters, Special Operations Task Force Central  
APO AE 09342

A080-SF-A-I-C-3

13 December 2007

MEMORANDUM FOR MAJ [REDACTED] Special Operations Task Force Central  
APO AE 09342

SUBJECT: Army Regulation (AR) 15-6 investigation

1. You are hereby appointed as an AR 15-6 Investigating Officer to assist me in determining the facts and circumstances surrounding an apparent Escalation of Force (EOF) incident that occurred on or about 13/315Dec07 on [REDACTED] (b)(2)High See enclosure SIGAC 1.

2. At a minimum, you should interview all relevant witnesses and ascertain the facts and circumstances surrounding this incident. In addition, please address the following issues:

a. Determine whether any SOTT-C personnel were in the vicinity of (Lat: 38 S, Lon: 49680, 38590) at the date and time of the alleged EOF incident.

b. Determine whether any SOTT-C personnel had knowledge of the alleged EOF incident, and if so, whether proper reporting procedures were followed.

c. Determine who, if anyone, was responsible for allegedly engaging a red GVC sports utility vehicle (SUV) with 1 x .50 cal rounds on Route Tampa.

d. Determine the specific facts leading up to and including the alleged firing of a .50 cal at the red GVC SUV.

e. Determine whether applicable EOF procedures were followed.

f. Determine whether the use of deadly force that allegedly resulted in the death of 2 U.S. Nationals (U.N.) and the wounding of another, was in accordance with applicable Rules of Engagement and the Law of Armed Conflict.

g. Determine the level of training received by SOTT-C convoy personnel regarding EOF and the reporting requirements surrounding such incidents prior to its 13 December 2007 convoy.

h. Determine whether the SOTT-C 13 December 2007 convoy followed all applicable convoy standard operating procedures, including, but not limited to the proper marking of convoy vehicles.

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SI BILLET: Army Regulation (AR) 15-6 Investigation

3. You should interview persons involved with the process of lawful investigative activity reasonably designed and executed in this investigation. Interview any witnesses who you believe

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4. In conducting your inquiry, you will employ the procedure in AR 15-6. You should determine the chain of command's roles and whether there is a violation of any applicable regulation and negligence was involved. You should also make recommendations if appropriate. Witness interviews can be documented on DA Form 2823 or by narrative detail in an investigator's statement and all other pertinent documents should be attached to your

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5. If in the course of your investigation, you suspect that an individual is responsible for any act you are investigating, that individual should be interviewed under Article 31(b)(1) CMR using DA Form 3881.

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6. Your findings and recommendations will be submitted to your appointing authority for their review and approval.

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7. Within 24 hours of receiving this order, contact CPJ Legal Advocate at SMCJP 243-4900, to schedule a pre-investigation meeting with your primary legal advisor throughout your investigation.

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Encl

LTC, Si  
Commanding

# **INDEX OF EXHIBITS**

Index of Exhibits for AR 15-6  
 MAJ John H. Peters  
 Investigating Officer

<u>Exhibit #</u>	<u>Description</u>
1	SIGACT from 31D CPOF of EOF incident
2	Convoy L III CONOP
3	Appendix 1 (Reporting Schedule) to Annex R (Reporting) to OPORD 06-04
4	MNC-I ROF Card
5	Appendix 20 to Annex C to MNC-I OPORD 06-04
6	Sworn Statement of SGT
7	Sworn Statement of SSG
8	Sworn Statement of SPC
9	Sworn Statement of SSG
10	Sworn Statement of PFC
11	Sworn Statement of SPC
12	Sworn Statement of PFC
13	Sworn Statement of SPC
14	Sworn Statement of SPC
15	Sworn Statement of SGT
16	Sworn Statement of ISG
17A	Sworn Statement of CPT
17B	Sworn Statement of CPT
18A	Sworn Statement of SSG
18B	Sworn Statement of SSG
19A	Sworn Statement of SPC
19B	Sworn Statement of SPC
20A	Sworn Statement of SSG
20B	Sworn Statement of SSG
21A	Sworn Statement of PFC
21B	Sworn Statement of PFC
22	5 <sup>th</sup> SFG(A) Convoy SOP

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

# **EXHIBIT 1**

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Sign to Mac

# **EXHIBIT 2**

DTG: 122300CDEC2007  
 From: SUPCEN CONVOY NCOIC  
 To: SOTF CENTRAL OPCEN  
 Sub: SERPENT CONOP 017A

SUPCEN CDR APPROVED 111800CDEC2007

Task Organization:

Model	Bumper #/CS	Personnel
M1151	#1	D-SSG (b)(3)(b)(6) G-SGT (b)(3)(b)(6) TC-SSG (b)(3)(b)(6) X-
M1151	#2	D-SSG (b)(3)(b)(6) G-PFC (b)(3)(b)(6) TC-CPT (b)(3)(b)(6) X-
M1151	#3	D-SPC (b)(3)(b)(6) G-SPC (b)(3)(b)(6) TC-SEC (b)(3)(b)(6) X-PFC (b)(3)(b)(6)
M1151	#4	D-PFC RAMIREZ G-SPC (b)(3)(b)(6) TC SSG (b)(3)(b)(6) X-SGT (b)(3)(b)(6) (MEDIC)
BULLER	POWERBOMB	D-SPC (b)(3)(b)(6) TC-SSG (b)(3)(b)(6)

**1. Situation:**

a. Weather and Light Data:

Temperature: 66F/48F  
 Winds: CALM  
 Precipitation: MINIMAL

b. Friendly: Operating in 3<sup>RD</sup> ID and 4/8 IA

Attachments and Detachments:

c. Enemy:

MDCOA: Attack convoys along the MSR ASR with IEDs and SAF at pre-determined choke points along routes. Enemy will also emplace "DUMMY" IED's IOT lure soldiers out of convoy vehicles to become targets for sniper fire.

MDCOA: IED/RPG ambushes that incorporate indirect fires and secondary ambush locations or the use of VBIED/ EFP IOT isolate the convoy or a portion of the convoy in an attempt to take hostages for future IO gains.

**2. Mission: SOTF-CENTRAL SUPCEN conducts convoy operations NLT**

130800CDEC2007 from (b)(2)High to Husaniyah (b)(2)High  
 (b)(2)High then RTB

3. Execution:

- a. Key Tasks: Conduct Convoy operations to , Husaniyah
- b. Purpose: To deliver equipment to ODA , 5124
- c. Coordinating Instructions: AST'S ensure that ODA and is prepared to receive equipment

and State: Complete mission and RTB with no loss of equipment or personnel.

1. Time Line:

EVENT	TIME	LOCATION
DEPART	0800	RPC
ARRIVE	11:00	HUSANIYAH
DEPART	1300	HUSANIYAH
ARRIVE	1600	RPC
DEPART		
ARRIVE		
DEPART		
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2. Routes: YANKERS, TAMPA , CLEVELAND

Primary:

Alternate: Any combination of above routes

LOCATION	GRID	ACTION
HUSANIYAH	(b)(2)High	REFUEL

3. QRF: Coordinated by Sheriff if needed alternate QRF provided by closest ODA's

4. Equipment:

a. Key equipment:

(b)(2)High

(b)(2)High

b. Carried by all:

(b)(2)High

4. Service Support:

(b)(2)High

5. Command and Signal

(b)(2)High

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# **EXHIBIT 3**

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# **EXHIBIT 4**

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# **EXHIBIT 5**

LINK TO MAIN TABLE OF CONTENTS

Appendix 20 to Annex C to MNC-I OPORD 06-04 (SOP) 4 NOV 06 (U)

## Escalation of Force (EOF)

*The following are links to the tabs in this appendix:*

 C-20-A - Policy Letter 

 C-20-B - Veh Marking Standards 

 C-20-C - EOF Training 

 C-20-D - EOF Convoy and CP Kits 

 C-20-E - Green Laser 

 C-20-F - EOF Definitions 

LINK TO MAIN TABLE OF CONTENTS

1. (U) **PURPOSE.** This SOP serves as a consolidated statement of policy and guidance to MSCs for Escalation of Force.

### 2. (U) REFERENCES

a. (U) MNC-I FRAGO 268 [14 MAR 06 DTU] TASK 6 (ESCALATION OF FORCE (EOF) SIGN KITS FOR CHECK POINT OPERATIONS).

b. (U) MNC-I FRAGO 280 [31 JUL 06] (MNC-I POLICY AND GUIDANCE REGARDING ESCALATION OF FORCE (EOF)).

### 3. (U) GENERAL

a. (U) (FOUO) All Leaders and Soldiers must clearly understand the severe consequences and resulting negative perception of Coalition Forces (CF) that are created by every EOF event. Each and every EOF event creates potential enemies and future insurgents if we utilize unrestrained or disproportionate force in the conduct of operations. CF leaders at all levels must understand and apply the EOF procedures identified in this SOP to minimize lethal force engagements of friendly force personnel and Iraqi citizens. This SOP does not imply that CF personnel should ever be deprived of their right to defend themselves or utilize every available advantage that ensures their survival and accomplishment of the mission.

b. (U) (FOUO) Points of contact for this SOP are:

CP1

CP2

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

4. (U) ALL MSC'S AND SEPARATES

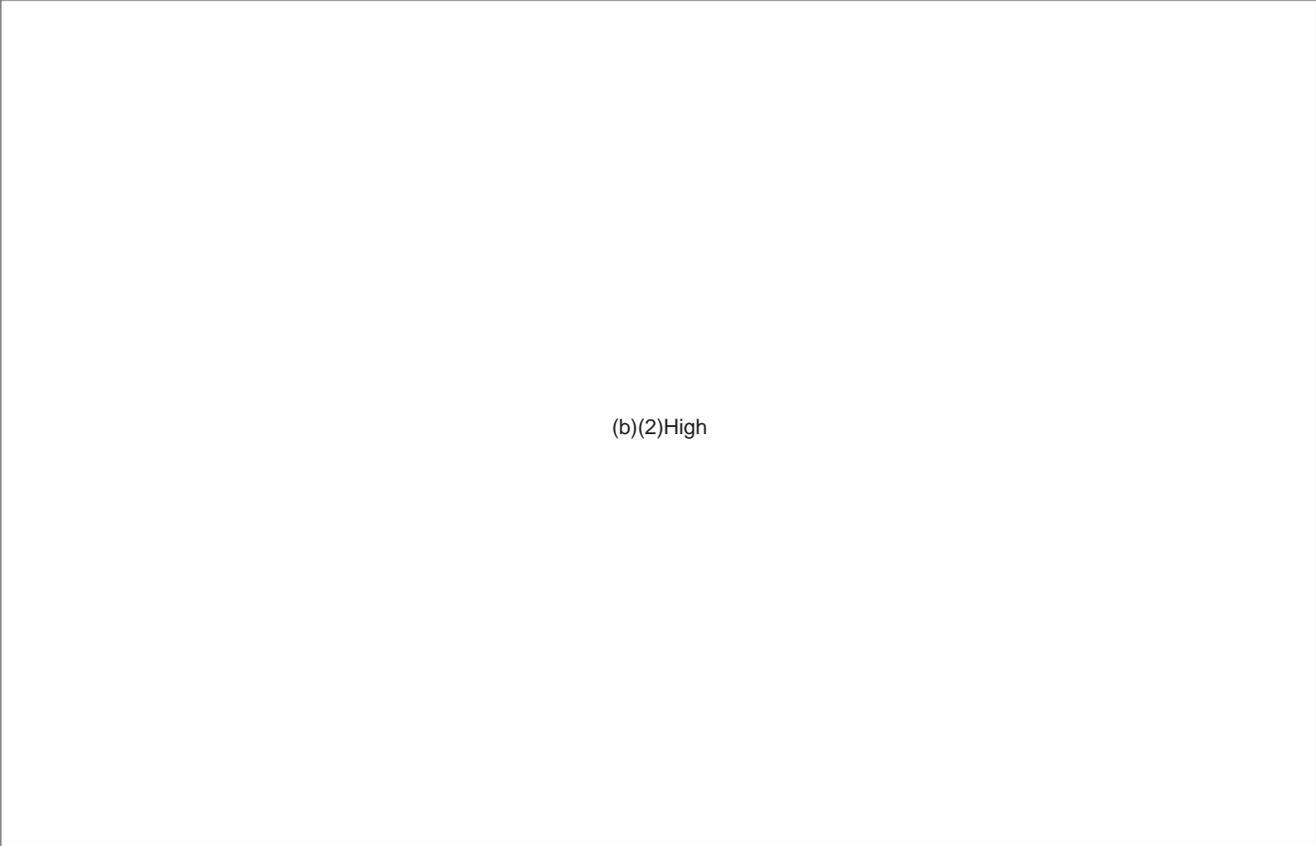
a. (U) (FOUO) Review and comply with MNC-I Commanding General Policy Letter #15 (Tab A).

b. (U) (FOUO) Comply with MNC-I EOF training package (Tab B). Review local EOF guidance and policy and conduct refresher training for all Coalition Forces on a quarterly basis.

c. (U) (FOUO) Ensure vehicles are properly marked IAW MNC-I Vehicle Marking Standards (Tab C). Identify and report shortages of vehicle marking equipment/material through supply and logistics channels to C4.

d. (U) (FOUO) Ensure all combat patrols, convoys and check points comply with MNC-I EOF equipment standards (Tab D). Identify equipment on hand which meets the intent of the items on the EOF equipment lists. Report shortages of items from Tab D through logistics channels to MNC-I C4.

e. (U) (FOUO) Comply with MNC-I green light laser training and safety guidance (Tab E).



(b)(2)High

5. (U) EOF PROCESS

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(b)(2)High

## 5. (U) EOF INVESTIGATIONS

a. (U//FOUO) Investigate all EOF incidents that involve serious injury, death or damage to property over \$10,000. The MSC Commander will determine the level and type of investigation (formal or informal 15-6) LAW service or national regulations. All final investigations of EOF incidents must be forwarded to Commander, MNC-I with information copies to MNC-I SJA and MNC-I AT/FP.

b. (U//FOUO) EOF incidents not involving serious injury, death or where property damage is less than \$10,000, should still be investigated. Commanders will, at a minimum, conduct a Commander's Inquiry on all EOF incidents. Commanders at all levels have an interest in learning how these incidents occur and what remedial actions, if any, are necessary for preventing future EOF incidents. When requested, send reports of investigations on

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

## 7. (U) CERP FUNDING

a. (U//FOUO) CERP criteria and sectors provided by the Office of the Under-Secretary of Defense Memo dated 27 JUL 05.

b. (U//FOUO) Battle damage as a result of Coalition operations may be covered under the Foreign Claims Act (FCA) depending on the circumstances or severity of the event. Even though the FCA is a lengthy process, it should be considered by commanders as the first recourse to victims affected. CERP payments are only available if it is not compensable under the FCA.

c. (U//FOUO) Commanders are reminded that although condolence payments may be authorized under the CERP program, there is no requirement to pay an individual should they incur damages from Coalition operations. Condolence is merely a show of "sympathy" and is not meant to pay for damages resulting from military activities.

d. (U) (FOUO) Battle damage and condolence payments for ISF caused damage in unusual circumstances may be approved on a case by case basis by the MSC CG. This authority cannot be delegated.

8. (U) TABS

- a. (U) MNC-I Policy Letter #15 - Reducing Escalation of Force (EOF) Incidents.
- b. (U) MNC-I Vehicle Marking Standards for Fratricide Prevention.
- c. (U) MNC-I Escalation of Force (EOF) Training.
- d. (U) MNC-I EOF Convoy and CP Kits.
- e. (U) Control Measures and TIP Training for Green Light Laser Systems.
- f. (U) Escalation of Force Definitions.

# **EXHIBIT 6**

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# **EXHIBIT 7**

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# EXHIBIT 8

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# **EXHIBIT 9**

Pages 51 through 52 redacted for the following reasons:

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# **EXHIBIT 10**

Pages 54 through 55 redacted for the following reasons:

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# **EXHIBIT 11**

Pages 57 through 66 redacted for the following reasons:

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# **EXHIBIT 16**

Pages 68 through 76 redacted for the following reasons:

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**RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE**

For information on this form, see AR 190-30; the proponent agency is ODCR, P&S

**DATA REQUIRED BY THE PRIVACY ACT**

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

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- 1. You do not have to answer any question or say anything.
- 2. Anything you say or do can be used as evidence against you in a criminal trial.
- 3. If you are a person subject to the UCMJ, you have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be a civilian lawyer I arrange for at no expense to the Government or a military lawyer detailed for you at no expense to the Government.

- or -

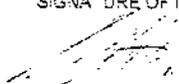
If you are not subject to the UCMJ, you have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. I understand that this lawyer can be one that I arrange for at my own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins.

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

4. COMMENTS (Continue on reverse side)

**Section B. Waiver**

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

WITNESSES (if available)		3. SIGNATURE OF INTERVIEWEE
1. NAME (Type or Print)	2. ORGANIZATION OR ADDRESS AND PHONE	
1. NAME (Type or Print)	2. ORGANIZATION OR ADDRESS AND PHONE	
		4. SIGNATURE OF INVESTIGATOR
		
		5. TYPED NAME OF INVESTIGATOR
		Sgt. B. B. B. B. B.
		6. ORGANIZATION OF INVESTIGATOR
		3000

**Section C. Non-waiver**

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

SIGNATURE OF INTERVIEWEE

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

PART II - RIGHTS WARNING PROCEDURE

THE WARNING

WARNING - Inform the suspect accused of:

- a. Your office position
- b. Nature of offenses
- c. The fact that he/she is a suspect/accused
- RIGHTS - Advise the suspect/accused of his/her rights as follows:
  - 1. Before I ask you any questions, you must understand your rights.
  - 2. You do not have to answer my questions or say anything.
  - 3. Anything you say or do can be used as evidence against you in a criminal trial.
  - 4. For personnel subject to the UCMJ: "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."  
- or -

*(For civilians not subject to the UCMJ):* "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."

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

Make certain the suspect/accused fully understands his/her rights

THE WAIVER

"Do you understand your rights?"

If the suspect/accused says "no," determine what is not understood, and if necessary, repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question:

"Have you ever requested a lawyer after being read your rights?"

If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question:

"Do you want a lawyer at this time?"

(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" *(If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)*

SPECIAL INSTRUCTIONS

**IF SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE:** If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

**IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY:** In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogation, completion may be temporarily postponed. Notes should be kept on the circumstances.

**PRE-OR INCORPORATING STATEMENTS**

If the suspect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions.

2. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisa:

**NOTE:** If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

**WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS:**

If during the interrogation the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer"), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")

COMMENTS (Continued)

# **EXHIBIT 18B**

**SWORN STATEMENT**

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

**PRIVACY ACT STATEMENT**

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

1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
SCITE-1 SUPCEN RPOC Iraq	2007 12 17		
5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS	
(b)(3)(b)(6)	(b)(3)(b)(6)	E-6	
8. ORGANIZATION OR ADDRESS			
SCITE-1 RPO-AB 1073-2			

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH

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ADDITIONAL PAGES MUST CONTAIN THE HEADING STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_

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

Pages 81 through 82 redacted for the following reasons:

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# **EXHIBIT 19A**

Pages 84 through 88 redacted for the following reasons:

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13 Dec 2007

Convoy on

(b)(2)High

# South bound on

(b)(2)High

005050



MEDIAN

Traffic coming up  
From behind the  
Convoy about 6 vehicles

About 150 meters

Serpent 4



Once traffic gets around 115-125 meters I start my hand and arm signals to maintain good intervals between our convoy and traffic.

005051

Median

Waved my hands to slow down the traffic

traffic

Around 115 meters

Serpent 4

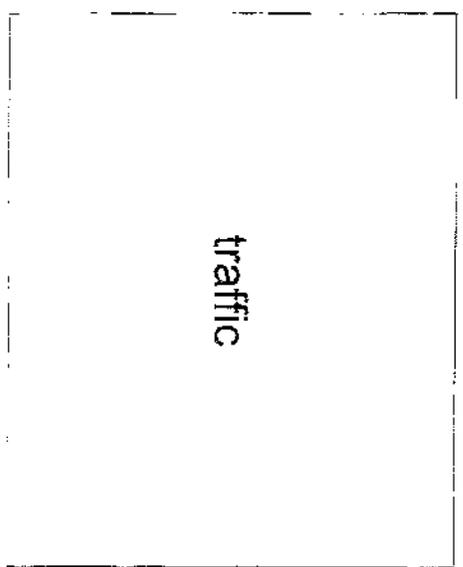
11/1/20

☆ Stars represent warning shots

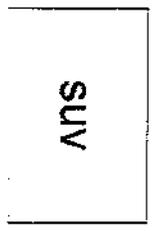
005052

# Warning shots

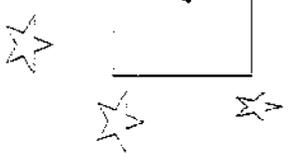
After waving traffic slowed down and red S.U.V. continued closing the distance.



90-100 meters from traffic



☆ 50 to 60 meters From SUV



1/2/11

After firing multiple warning shots S.U.V. continued getting closer as if they were ignoring the warning shots..

005053



Median

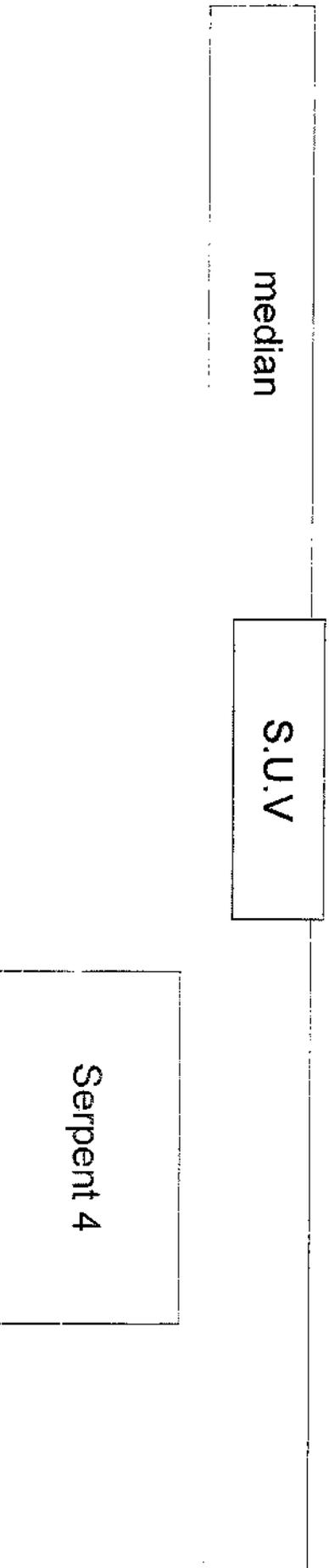
S.U.V.

35 to 40 meters

Serpent 4



# Eliminating the threat



Once vehicle accelerated and got within 25 meters and tried to get next to our truck I transitioned from my M-4 to my M2 and eliminated the threat.

MM

Pages 95 through 101 redacted for the following reasons:

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# **EXHIBIT 21A**

Pages 103 through 104 redacted for the following reasons:

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# **EXHIBIT 21B**

Pages 106 through 108 redacted for the following reasons:

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# **EXHIBIT 22**

## 15th SFG (A) TACTICAL CONVOY SOP'S

### REACT TO SMALL ARMS FIRE:

A. NEAR AMBUSH (35M OR HAND GRENADE RANGE)  
WHEN MOVING: KEEP MOVING AT ALL COST. ENGAGE ENEMY WITH CREW SERVED AND HANDGRENADES. COMMUNICATE ENEMY SIZE, DIRECTION, AND DISTANCE. (3 ENEMY, 9 O'CLOCK, 25M)

WHEN DISMOUNTED: SEEK COVER IMMEDIATELY AND COMMUNICATE ENEMY, DIRECTION AND DISTANCE. GRENADES WILL BE EXHAUSTED ON INITIAL CONTACT IF THEY CAN BE EFFECTIVELY UTILIZED. FIRE TEAM 1 WILL USE SUPPRESSIVE FIRE TO COVER FIRE TEAM 2 MOVEMENTS EITHER BOUNDING OR SEEKING COVER. ONCE IN PLACE FIRE TEAM 2 WILL USE SUPPRESSIVE FIRE TO COVER FIRE TEAM 1'S MOVEMENT.

ONCE YOU HAVE BROKE CONTACT RECEIVE YOUR ACE REPORT. SEND A SPOTREP TO HIGHER.

B. FAR AMBUSH (FARTHER THAN 35M) WHEN MOVING: KEEP MOVING! COMMUNICATE ENEMY, DIRECTION AND DISTANCE. USE CREW SERVED WEAPONS TO DESTROY ENEMY FORCES. GIVE SPOTREP TO HIGHER. ONCE OUT OF THE KILL ZONE RECEIVE ACE REPORT AND SEND SITREP TO HIGHER.

### DOWN GUNNER:

IF THE GUNNER GOES DOWN THE SHOOTER OR THE VC WILL PULL HIM OUT OF THE TURRET. ASSESS HIS IMMEDIATE CONDITION AND QUICKLY ASSUME HIS GUNNING POSITION TO ENGAGE THE ENEMY.

### DOWN DRIVER:

VEHICLE MOVEMENT IS KEY TO SURVIVAL! DRIVER GOES DOWN THE SHOOTER WILL "GAIN CONTROL OF STEERING FIRST" THEN PULL THE THROTTLE LOCK LEVER TO ACCELERATE THE VEHICLE. USE THE EMERGENCY BRAKE TO SLOW VEHICLE DOWN. (ENSURE THAT THE E-BRAKES ARE ADJUSTED PROPERLY TO BE EFFECTIVE). DRIVING IS TAKEN OVER BY THE SHOOTER FIRST, THEN GUNNER, THEN VEHICLE COMMANDER.

## 7. 5th SFG (A) TACTICAL CONVOY SOP'S

### VEHICLE DISABLED DURING CONTACT:

1) DRIVER OF DISABLED VEHICLE PUTS THE TRANSMISSION IN NEUTRAL. 2) ANOTHER VEHICLE WILL PULL BEHIND THE DISABLED VEHICLE AND ATTEMPT TO PUSH IT THROUGH THE KILL ZONE.

ANOTHER OPTION FOR MOVING A DISABLED VEHICLE OUT OF A KILL ZONE IF THERE IS A LITTLE MORE TIME IS TOWING. THERE ARE TWO STRAPS PER CONVOY VEHICLE. THE FIRST IS LOCATED ON THE FRONT DRIVERS SIDE, BETWEEN THE FRONT TOW SHACKLE AND THE DRIVERS DOOR WINDOW. THE SECOND IS LOCATED ON THE REAR PASSENGER SIDE, BETWEEN THE RIGHT REAR TOW SHACKLE AND HOLES DRILLED IN THE PASSENGER SIDE OF THE M1114 HATCH.

THE STRAPS HAVE SHACKLES FOR QUICK DETACHMENT AND CONNECTION. THE VEHICLE TOWING CAREFULLY PULLS AS CLOSE TO THE DISABLED VEHICLE AS HE CAN WITH THE GUIDANCE OF HIS GUNNER. DRIVE ALIGNS THE VEHICLES SO THAT THE TWO STRAPS MATE AT EITHER HIS OR THE OTHER DRIVER WINDOW. VERIFY THAT STRAPS ARE HOOKED UP AND THAT THE VEHICLE IS IN NEUTRAL AND PULL TO SAFETY.

### MECHANICALLY DISABLED:

COMMANDER WILL MAKE A DECISION TO CONTINUE WITH THE MISSION OR ABORT. IF THE MISSION MUST GO ON THEN A SMALL SECURITY ELEMENT WILL REMAIN WITH DISABLED VEHICLE UNTIL A RECOVERY ELEMENT CAN ARRIVE.