

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.)

[Redacted Signature Box]

(Recorder)

(Investigating Officer) (President)

(Member)

(Member)

(Member)

(Member)

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

To the extent indicated in _____, 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

(Member)

(Member)

SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6)

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

- Concur with findings and recommendations

[Redacted Signature Box] (b)(5)

- Hand held flares are coming out of the cab and going into the turrets, day and night

I approve the Findings and Recommendations and remand to the BDE CDR for action as he deems appropriate.

[Redacted Signature Box]

[Redacted Signature Box]

Brigadier General, US Army
Assistant Division Commander (Maneuver)



**2D BRIGADE & 502D INF RGT
101ST AIRBORNE DIVISION (AASLT)
ROUTING SHEET**



SUBJECT

06-147 / EOF - Death of LN

DATE ACTION INITIATED

18 APR 06

ORIGINATOR / ACTION OFFICER

STRIKE LEGAL

OFFICE SYMBOL

AFZB-KB-JA

TELEPHONE

242-4342

SUSPENSE

ROUTING

OFFICE	COMMENTS	INITIALS	DATE
BRIGADE S1			
BRIGADE S2			
BRIGADE S3			
BRIGADE S4			
BRIGADE S6 (SICO)			
BRIGADE CHAPLAIN			
BRIGADE SURGEON			
BRIGADE SJA			<i>25 APR 06</i>
BRIGADE CSM			
BRIGADE XO			
DEPUTY COMMANDER			<i>27 APR 06</i>
BRIGADE COMMANDER			<i>30 APR 06</i>

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

IMPACT

PERSONNEL
 FUNDS
 TIME
 TRAINING
 SUPPLIES
 OTHER

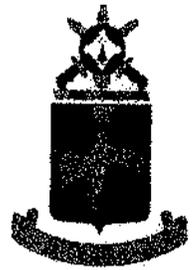
SUMMARY

- Unit followed proper EOF per Corps/DIV/BCT guidance

(b)(2) high, (b)(3), (b)(6)



DEPARTMENT OF THE ARMY
 HEADQUARTERS, 2D BRIGADE COMBAT TEAM & 502D INFANTRY REGIMENT
 101ST AIRBORNE DIVISION (AIR ASSAULT)
 CAMP STRIKER, IRAQ 09398



REPLY TO
 ATTENTION OF

AFZB-KB-CDR

MEMORANDUM THRU Staff Judge Advocate, MND-B, Camp Liberty, Iraq
 FOR Commander, MND-B, Camp Liberty, Iraq

SUBJECT: Approval and Ratification of AR 15-6 Investigation #06-147, Escalation of Force Resulting in Death of Local National Findings and Recommendations

1. The undersigned has reviewed thoroughly the aforementioned investigation conducted by Second Lieutenant (b)(3), (b)(6) and approved by Lieutenant Colonel (b)(3), (b)(6). I ratify and approve the findings and recommendations enclosed.

2. Commander's Comments:

(b)(2) high, Illegible Text

3. POC for this memorandum is the undersigned.

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

COL, IN
 Commanding



DEPARTMENT OF THE ARMY
HEADQUARTERS, 2D BRIGADE COMBAT TEAM & 502D INFANTRY REGIMENT
101ST AIRBORNE DIVISION (AIR ASSAULT)
CAMP STRIKER, IRAQ 09398



REPLY TO
ATTENTION OF

AFZB-KB-JA

22 April 2006

MEMORANDUM FOR Commander, 2d Brigade Combat Team, 101st Airborne Division
(Air Assault), Camp Striker, Iraq APO AE 09398

SUBJECT: Legal Review of AR 15-6 Investigation #06-147, A/1-502 Escalation of
Force Resulting in Death of Local National

1. The undersigned has reviewed the aforementioned investigation conducted by
Second Lieutenant (b)(3), (b)(6) and finds it legally sufficient.
 - a. The investigation contains no procedural errors which materially prejudice any
party involved in the investigation.
 - b. The evidence supports the investigating officer's findings.
 - c. The recommendations are supported by the findings and evidence.
2. POC for this memorandum is the undersigned at VOIP (b)(2)High

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

MAJ, JA
Command Judge Advocate

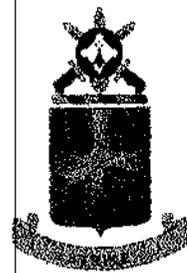
006853



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY

HEADQUARTERS, 1-502D INFANTRY REGIMENT
101ST AIRBORNE DIVISION (AIR ASSAULT)
Mahmudiyah North, Iraq APO AE 09398



AFZB-K8-CDR

18 April 2006

MEMORANDUM FOR 2nd Lieutenant (b)(3), (b)(6) C Co, TF 1-502D Infantry Regiment, 2d Brigade
Combat Team, 101st Airborne Division (Air Assault), FOB Lutifiyah North, Iraq APO AE 09398

SUBJECT: Appointment as an Investigating Officer to investigate EOF in A Co, 1-502D IN.

1. You are hereby appointed an investigating officer, pursuant to AR 15-6, to investigate EOF resulting in a death to an LN in A Co, 1st Battalion, 502d Infantry Regiment on or about 16 April 06. The scope of your investigation will include:

- a. The exact time and place of the incident.
- b. How exactly the incident occurred to include the events leading up to and concurrent with the incident.
- c. The soldiers' mission at the time of the incident.
- d. The existence, training and type of risk assessment and safety measures taken prior to the incident.
- e. Additionally, if negligence is found, analyze what steps could be taken in the future to avoid it.

2. As an investigating officer, you will use formal procedures under AR 15-6. There are no designated respondents. Respondents may be designated based on your recommendations during the course of the investigation. Counsel for each respondent, if requested, will be designated by subsequent correspondence.

3. CPT (b)(3), (b)(6) or MAJ (b)(3), (b)(6) 2 BCT Command Judge Advocate (b)(2)High will serve as your legal advisor. The 1-502D BN S1 will provide necessary administrative support. The 101st AA Criminal Investigation Division Command (CIDC) will provide technical support, including preserving physical evidence, if needed.

4. Prepare the report of proceedings on DA Form 1574 and submit it to me within 24 hours.

FOR COMMANDER:

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

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

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

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

SECTION I - APPOINTMENT

Appointed by LTC (b)(3), (b)(6) 1-502D BN COMMANDER, APO AF 09398
(Appointing authority)

on 18 APRIL 2006 *(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)* _____ at _____ *(Place)* _____ at _____ *(Time)*
on _____ *(Date)* *(If a formal board met for more than one session, . 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 6-3a AR 15-6.)*

The *(investigating officer) (board)* finished gathering/hearing _____ on _____ *(Date)*
and completed findings and _____ on _____ *(Date)*

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES		YES	NO	NA
1	inclosures <i>(para 3-15, AR 15-6)</i>			
	Are the following inclosed and numbered consecutively with Roman numerals. <i>(Attached in order listed)</i>			
	a. The letter of appointment or a summary of oral appointment data?	X		
	b. Copy of notice to respondent, if any? <i>(See item 9, below)</i>	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 <i>(Certificate, if statement provided orally?)</i>	X		
	f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered <i>(e.g., absence of material witnesses)?</i>	X		
	g. Information as to sessions of a formal board not included on page 1 of this report?	X		
	h. Any other significant papers <i>(other than evidence)</i> 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	NA
2 Exhibits (para 3-16, AR 15-6)			
a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?	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 3-9b, 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 respondent (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			
10. If any respondent was designated after the proceedings began (or otherwise 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 5-5, 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 <input checked="" 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:
SEE ATTACHMENT

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

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

CHRONOLOGY OF EVENTS

17APR06

2030- PFC (b)(2) high reinforces proper EOF procedures to PFC (b)(3), (b)(6)

2040- 1LT (b)(3), (b)(6) gives patrol brief.

2052- Patrol SP's FOB Mahmudiyah traveling south on Route (b)(2) high to conduct barrier emplacement.

2105- Patrol stops on Route (b)(2) high

2105- Gun truck passengers dismount to provide security.

2114- Van stops at IA checkpoint (b)(2) high

2115- SGT (b)(3), (b)(6) (b)(2) high van.

2115- Vehicle starts movement towards patrol.

2115- SGT (b)(3), (b)(6) (b)(2) high to stop.

2115- Vehicle increases speed and reduces distance to (b)(2) high

2115- SGT (b)(3), (b)(6) fires (b)(2) high warning shot over vehicle.

2115- Vehicle does not acknowledge and reduces distance to (b)(2) high

2115- SGT (b)(3), (b)(6) instructs his gunner (b)(2) high

2115- PFC (b)(3), (b)(6) fires (b)(2) high SGT (b)(3), (b)(6) and PFC

(b)(3), (b)(6) each fire (b)(2) high

2115- Vehicle stops approx (b)(2) high away and cease fire is given.

2116- 1LT (b)(3), (b)(6) approaches vehicle.

2116- Assess 1x LN Male KIA, 1x LN Male WIA and 1x LN Female WIA.

2116- Wounded personnel helped out of vehicle.

2116- MiTT medic assesses injured passengers.

2120- IA ambulance arrives to transport victims.

2120- Claims card issued to woman.

2130- All LN's taken to hospital and van taken to IAC.

2157- Patrol continues mission.

18 April 2006

MEMORANDUM FOR RECORD

SUBJECT: Findings and Recommendations for Investigation (EOF)

1. At approximately 17 2115 APR 06 SGT (b)(3), (b)(6) PFC (b)(3), (b)(6) and PFC (b)(3), (b)(6) A/1-502 IN, were involved in an escalation of force (EOF) incident, (b)(2) high while providing patrol security.
2. Summary of the Facts:
 - a. A/1-502IN, including SGT (b)(3), (b)(6) and PFC (b)(3), (b)(6) received ROE Training on 04APR06.
 - b. PFC (b)(3), (b)(6) ensured that PFC (b)(3), (b)(6) was aware of all ROE related procedures by giving him a brief prior to movement reinforcing prior ROE TNG. (Exhibit PFC (b)(3), (b)(6))
 - c. The patrol leader, 1LT (b)(3), (b)(6) gave a convoy brief prior to movement covering (b)(2) high (b)(2) high He was confident that all soldiers understood ROE/EOF. (Exhibit 1LT (b)(3), (b)(6))
 - d. The patrol reached the IAC and conducted a security halt along Route (b)(2) high while MiTT personnel entered the IAC. (Exhibit 1LT (b)(3), (b)(6))
 - e. The rear vehicle noticed a van stop at the IA TCP north of the patrol position and SGT (b)(3), (b)(6) (b)(2) high (Exhibit SGT (b)(3), (b)(6))
 - f. The van initiated movement south along Route (b)(2) high towards the patrol and did not respond to the light. (Exhibit SGT (b)(3), (b)(6))
 - g. SGT (b)(3), (b)(6) (b)(2) high the vehicle to stop, but noticed no response. The vehicle increased its speed and continued traveling towards the patrol closing to within (b)(2) high (Exhibit PFC (b)(3), (b)(6))
 - h. SGT (b)(3), (b)(6) continued to the next step in EOF and fired (b)(2) high warning shot, which was a tracer round, above the approaching vehicle. The vehicle still did not slow its progress or otherwise acknowledge. (Exhibit SGT (b)(3), (b)(6))
 - i. When the vehicle came within (b)(2) high SGT (b)(3), (b)(6) gave the order to (b)(2) high The M240B gunner, PFC (b)(3), (b)(6) fired (b)(2) high and the two dismounted soldiers,

006859

SGT (b)(3), (b)(6) and PFC (b)(3), (b)(6) each fired (b)(2) high at the approaching vehicle. (Exhibit PFC (b)(6))

j. SGT (b)(3), (b)(6) gave the command to cease fire as the van turned to the west and halted (b)(2) high north of the patrol. (Exhibit PFC (b)(3), (b)(6))

k. PFC (b)(3), (b)(6) remained in the same location providing security while 1LT (b)(3), (b)(6) approached the vehicle. (Exhibit 1LT (b)(3), (b)(6))

l. 1LT (b)(3), (b)(6) assessed 1x LN male KIA (the driver), 1x LN male WIA (rear passenger) and 1x LN female WIA (front passenger). He requested the MiTT medic and helped the female passenger out of the vehicle. (Exhibit 1LT (b)(3), (b)(6))

m. IA personnel arrived on scene with an ambulance to transport all LN's to the hospital. Before leaving, 1LT (b)(3), (b)(6) gave the LN female a claims card. SGT (b)(3), (b)(6) took pictures of the vehicle and told 1LT (b)(3), (b)(6) what had occurred. (1LT (b)(3), (b)(6))

n. The IA then drove the LN's away and took the van into the IA compound. (Exhibit SGT (b)(3), (b)(6))

o. After the incident was complete, the patrol gathered all personnel and continued mission.

3. Findings: After carefully considering the evidence, I find that:

a. A/1-502 IN followed appropriate EOF procedures according to 1-502 IN SOP. Due to the proximity of the vehicle when escalation began, the personnel did all that was required before resulting to the use of deadly force. (b)(2) high

(b)(2) high

b. SGT (b)(3), (b)(6) attempted to stop the approaching vehicle (b)(2) high before using deadly force. (b)(2) high

c. Point of aim and shot placement: From the pictures it is apparent that out of approximately forty rounds, five struck the windshield, two struck the hood and unknown number struck the side windows. All

(b)(2) high

- d. The personnel involved had conducted the same mission on a previous night without incident and had no reason to believe an EOF incident was probable.
- e. Given the situation and VBIED attack in sector two days prior, the involved personnel acted properly in order to protect themselves and other fellow soldiers.

4. Recommendations: In view of the above findings, I recommend:

- a. No action be taken on SGT (b)(3), (b)(6) PFC (b)(3), (b)(6) or PFC (b)(3), (b)(6)
- b. If time permits, fire warning shots with a crew served weapon to provide a louder report.
- c. When halted at night along ASRs establish security at a greater distance from the convoy utilizing any existing obstacles (IA TCP) and employ more easily recognizable signals for vehicles to acknowledge i.e. (b)(2) high

(b)(2) high

- d. (b)(5), (b)(2) high
- e. When on order equipment arrives, ensure that soldiers are briefed on all items and they are implemented into EOF procedures.

15-6 Investigation Exhibit List

#06-147 EOF Death of LN

- EXHIBIT A. Storyboard
- EXHIBIT B. Photos
- EXHIBIT C. PFC (b)(3), (b)(6) Sworn Statement
- EXHIBIT D. PFC (b)(3), (b)(6) Sworn Statement
- EXHIBIT E. SGT (b)(3), (b)(6) Sworn Statement
- EXHIBIT F. 1LT (b)(3), (b)(6) Sworn Statement
- EXHIBIT G. PFC (b)(3), (b)(6) Sworn Statement
- EXHIBIT H. SGT (b)(3), (b)(6) Sworn Statement
- EXHIBIT I. PFC (b)(3), (b)(6) Sworn Statement
- EXHIBIT J. DA Form 1594
- EXHIBIT K. SIR
- EXHIBIT L. DA Form 1594
- EXHIBIT M. Email from 2LT (b)(3), (b)(6) Dated 18 April 2006
- EXHIBIT N. Change to (b)(2) high EOF Procedures

Exhibit A

STORYBOARD

17 APR 06 Escalation of Force Incident Along Route

(b)(2) high

(b)(2) high

SUMMARY
1X ECF CONDUCTED
1X IIN MALE KILLED
1X IIN MALE WOUNDED
1X IIN VEHICLE DAMAGED

DATE/TIME: 1721280000Z
GRID: N
UNIT/CSIGN: AF 502 HARDBROOK 40

MISSION OF UNIT:
T. BARRIER EMPACEMENT
P. NOT DENY A/F FREEDOM OF MANEUVER IN IIMD

TIMELINE OF EVENTS:
① 2119: A F 502 REPORTS THAT WHILE DISMOUNTED IN IIMD CONDUCTING BARRIER EMPACEMENT OPERATION, THEY HAD A VEHICLE APPROACH MOVING SOUTH ON JACKSON AT A HIGH RATE OF SPEED.

② 2120: DISMOUNT #1 CONDUCTS PROPER ESCALATION OF FORCE PROCEDURES BY [REDACTED]

[REDACTED] (b)(2) high

② THE VEHICLE CAME TO A STOP APPROX [REDACTED] FROM VEHICLE (b)(2) high

③ 2121: DISMOUNT #1 AND #2 APPROACHED THE VEHICLE TO ASSESS THE SITUATION. UPON APPROACHING THE VEHICLE THEY NOTICE THE IIN IN PASSENGER FRONT SEAT WAS HOLDING HIS ARM IN THE DRIVER SEAT WAS SLUMPED OVER THE WHEEL.

④ 2126: THE MEDIC ON SITE CONDUCTED ASSESSMENT AND TREATED WOUNDED IIN AND DETERMINED IIN DRIVER WAS DEAD.

⑤ 2135IA TRANSPORTS ALL IIN'S TO THE IIMD HOSPITAL.

CDR'S ASSESSMENT:
THE VEHICLE WAS APPROACHING A U.S. CONVOY AT A HIGH RATE OF SPEED AFTER EXITING AN IIN CHECKPOINT TO THE NORTH. THE PATROL WAS [REDACTED] WHERE THERE WAS A VIBED ON 19ARR AND THE LEADER AND GUNNER ON THE GROUND WERE SITUATIONAL AWARE OF THE REVEIG'S DAYS EVENTS WHICH LEAD TO PROPERLY EXECUTED ECF.

File name:
172129DAPR06 AV1402IN ECF

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

(b)(2) high

(b)(2) high

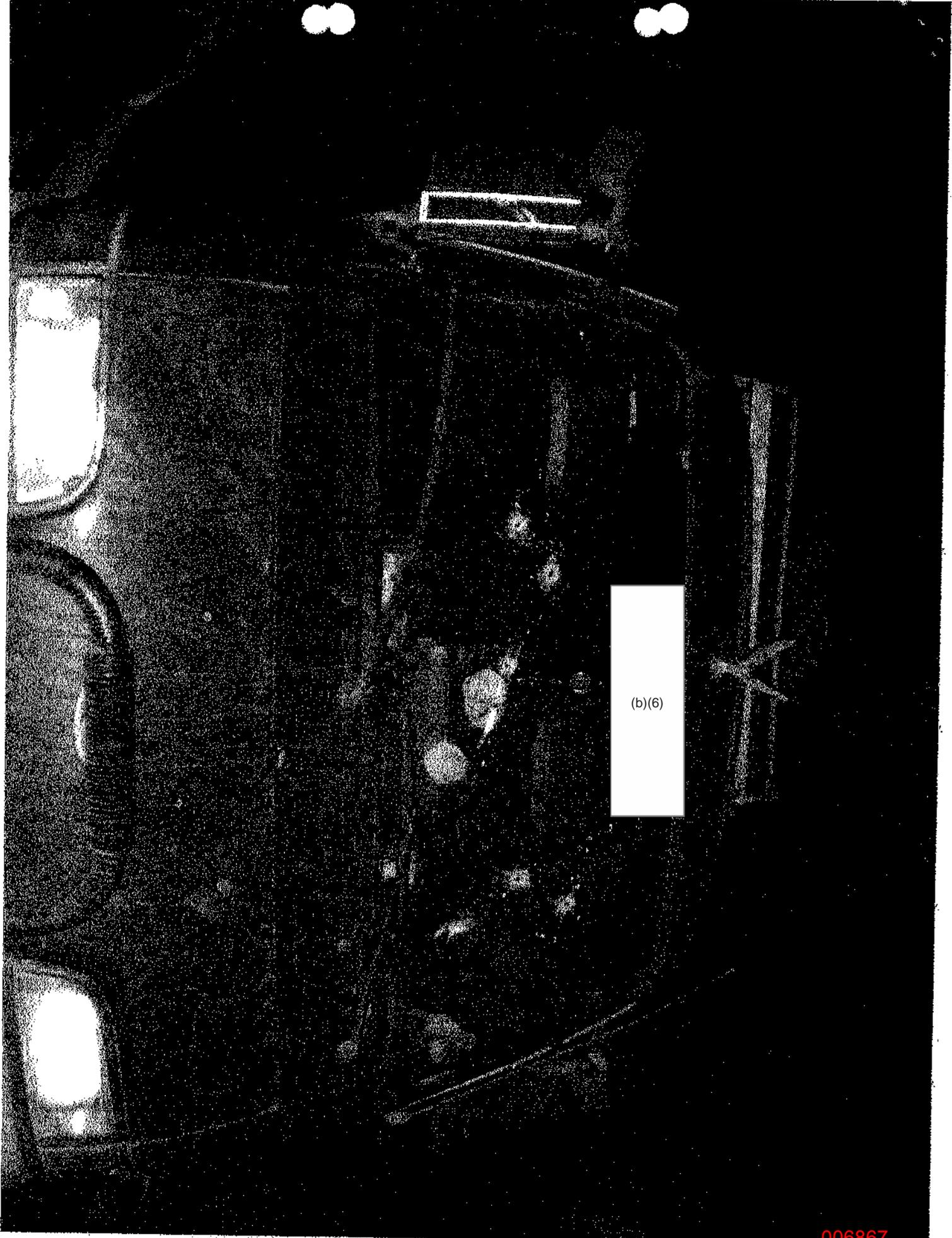
(b)(2) high

UNCLASSIFIED

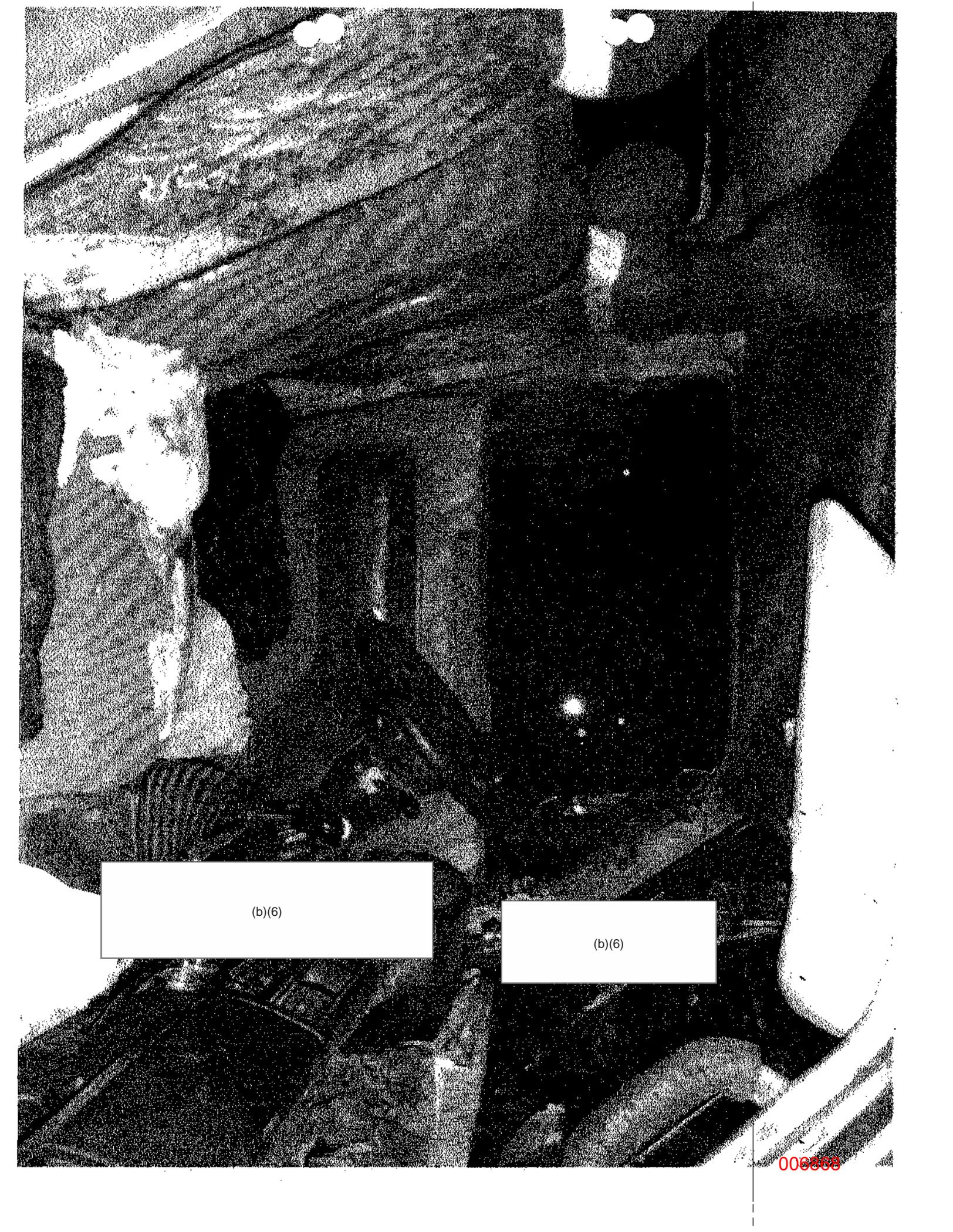
UNCLASSIFIED

FINDINGS

- No evidence of neglect or willful misconduct.
- Proper use of escalation of force procedures.
- Soldiers received ROE Training on 04 APR 06 and were briefed prior to movement.
- Given the situation, all personnel acted properly in order to protect friendly forces.

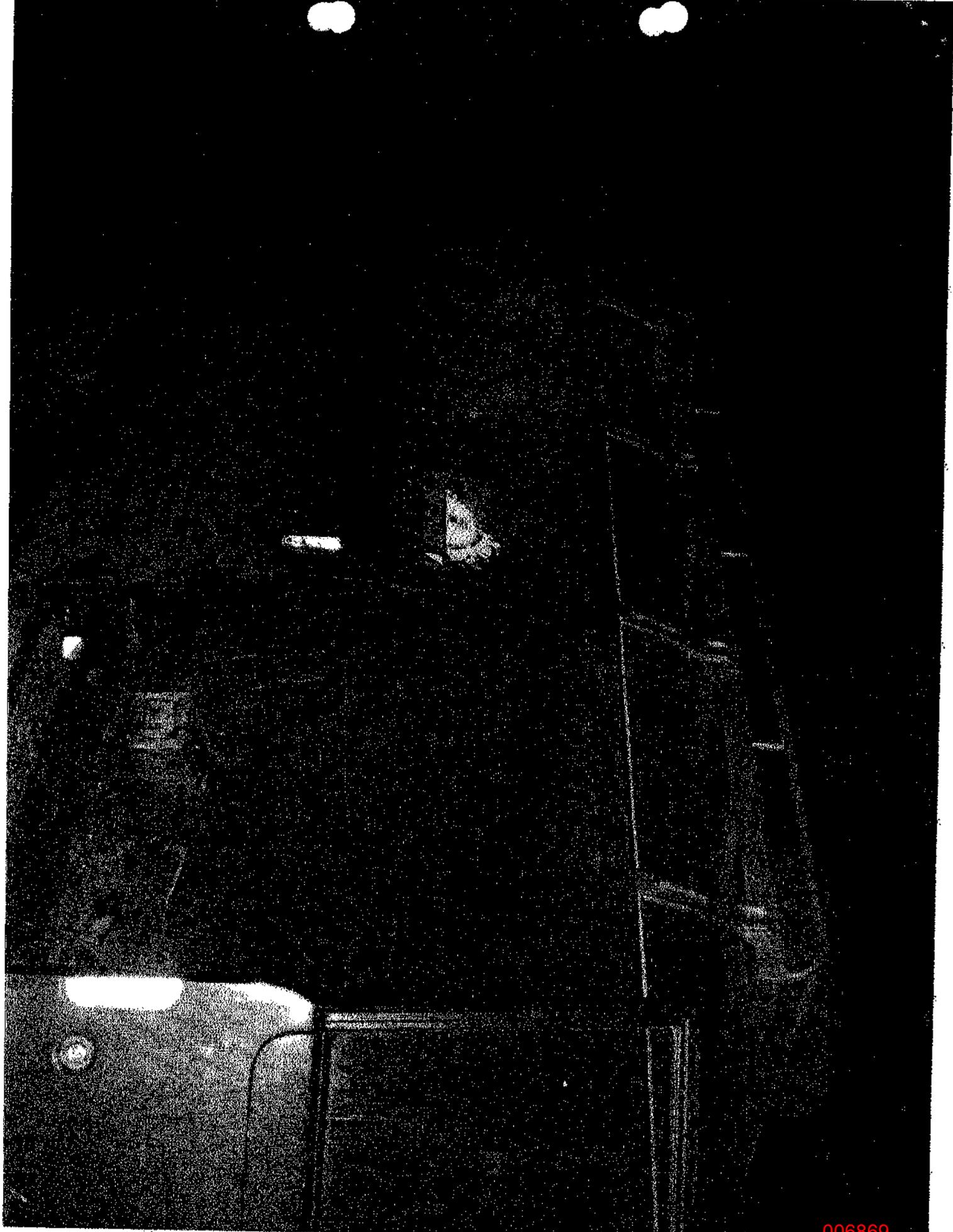


(b)(6)

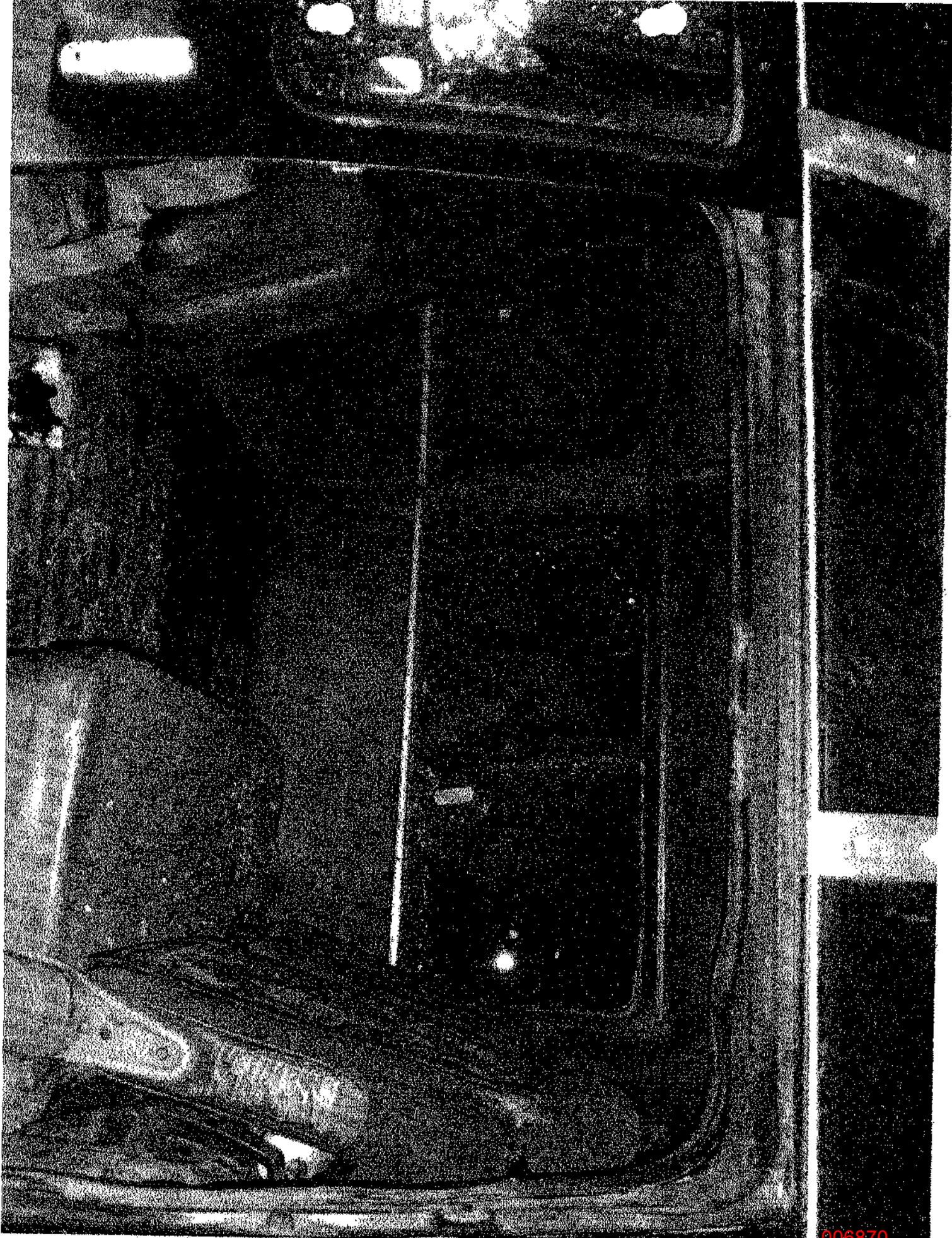


(b)(6)

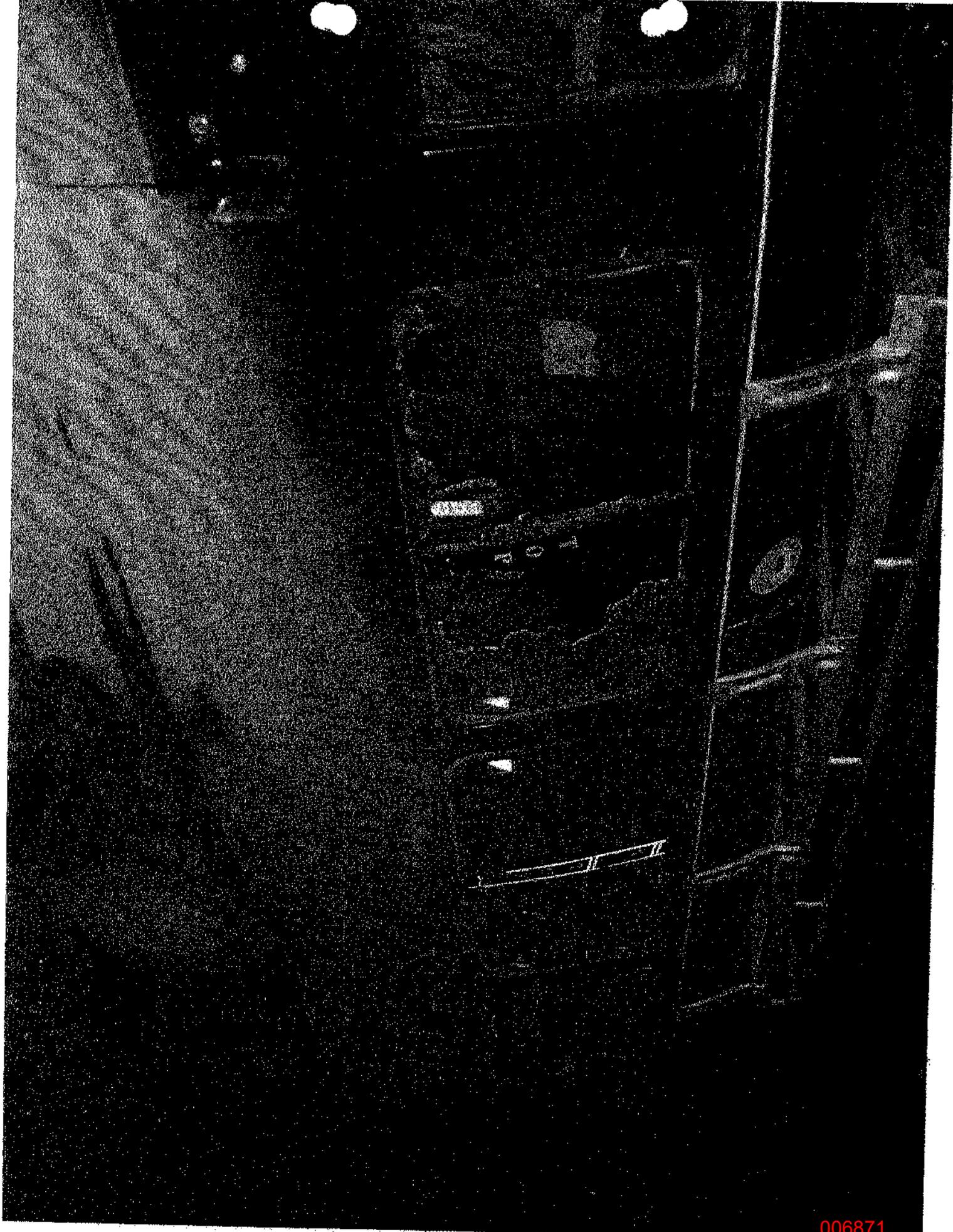
(b)(6)



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(b)(6)

Exhibit C

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: A CO. TOKE
2. DATE (YYYYMMDD): 2006 04 18
3. TIME: 10:00
4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME: (b)(3), (b)(6)
7. GRADE/STATUS: E-3 / PFC

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

On the 17th April 2006, At around 2115 during a barrier emplacement mission. A Van starting driving towards us as we were pulling security. The gunner saw the vehicle coming so he warned us. As the vehicle started get closer an about (b)(2) high away my NCOIC (b)(3), (b)(6) the right of me started to (b)(2) high the van did not stop but it geared to pick up speed. Then the NCOIC fired (b)(2) high warning shot. And the vehicle still kept coming so he yelled no fire! And the Gunner, the NCOIC and I opened fire until the vehicle had stopped (b)(2) high I shot approximately (b)(2) high and the same with my NCOIC. The Gunner shot around (b)(2) high I received a brief on ROE before we reached the security point.

nothing follows

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

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF

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

TAKEN AT

A. CO. TOC

DATED

2006 04 15

9. STATEMENT (Continued)

nothing follows

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 3 PAGES

STATEMENT OF

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

TAKEN AT

A. CO. 70C

DATED

2006 11 15

9. STATEMENT (Continued)

nothing follows

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 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 HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

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

Statement

WITNESSES

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

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____ at _____

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

(Signature of Person Administering Oath)

(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 3 OF 3 PAGES

UNCLASSIFIED

Exhibit D

UNCLASSIFIED

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