



**DEPARTMENT OF THE ARMY**  
HEADQUARTERS, 506TH REGIMENTAL COMBAT TEAM  
101ST AIRBORNE DIVISION (AIR ASSAULT)  
FORWARD OPERATING BASE LOYALTY, APO AE 09390-1500



REPLY TO  
ATTENTION OF

AFZB-KG-CO

9 October 2006

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

SUBJECT: Legal Review of AR 15-6 Investigation – EOF Resulting in the Death of a Local National Involving PFC (g)(q) (e)(q) C/1-26 IN, on 21 September 2006

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

- a. Recommendations 8(a) and 8(c) should be approved.
- b. Recommendation 8(b) should be approved. The investigating officer correctly identifies that a major contributing factor to this lethal escalation of force was that the unit used none of the available TCP equipment (e.g., wire, cones) to warn oncoming motorists. C Company is currently conducting intensive EOF refresher training with the Regimental Judge Advocate to correct this deficiency.
- c. Recommendation 8(d) should be approved. The IO's suggestions have already been directed in MND-B FRAGO 491 and Change 1 to RCT FRAGO 191.
- d. Recommendation 8(e) should be approved. All assigned units have previously been given guidance on the proper setup of traffic control points through training and written guidance such as Change 1 to RCT FRAGO 191, the 4ID Leader's Handbook (contains the MND-B TCP SOP), and training conducted by the Regimental Judge Advocate. Change 1 to RCT FRAGO 191, Appendix 6, contains a list of items that should be in TCP kit. That same FRAGO directs units to report equipment shortages to the RCT S4 ASAP. If there are equipment shortages, units have been directed in training and Change 1 to RCT FRAGO 191 to use the equipment they have on hand to mark their positions to the maximum extent possible.
- e. Recommendation 8(f) should be approved. The unit has already received detailed warning shot guidance through training and Change 1 to RCT FRAGO 191.
- f. The unit is currently processing a CERP condolence packet for the next-of-kin of the deceased local national, as required by MNC-I Policy Letter #15.

006770

AFZB-KG-CO

SUBJECT: Legal Review of AR 15-6 Investigation – EOF Resulting in the Death of a Local National Involving PFC [REDACTED] C/1-26 IN, on 21 September 2006

3. Point of contact for this memorandum is CPT [REDACTED] Regimental Trial Counsel, at VOIP [REDACTED] or SIPR at [REDACTED]@bct4.d101.army.smil.mil.

[REDACTED]  
(9)(a) (ε)(a)

COL, IN  
Commanding



**DEPARTMENT OF THE ARMY**  
**HEADQUARTERS, 506TH REGIMENTAL COMBAT TEAM**  
**101ST AIRBORNE DIVISION (AIR ASSAULT)**  
**FORWARD OPERATING BASE LOYALTY, APO AE 09390-1500**



REPLY TO  
ATTENTION OF

AFZB-KG-SJA

6 October 2006

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

SUBJECT: Legal Review of AR 15-6 Investigation – EOF Resulting in the Death of a Local National Involving PFC [redacted] C/1-26 IN, on 21 September 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 substitutions:

a. Recommendations 8(a) and 8(c) should be approved.

b. Recommendation 8(b) should be approved. The investigating officer correctly identifies that a major contributing factor to this lethal escalation of force was [redacted] [redacted] C Company is currently conducting intensive EOF refresher training with the Regimental Judge Advocate to correct this deficiency.

c. Recommendation 8(d) should be approved. The IO's suggestions have already been directed in MND-B FRAGO 491 and Change 1 to RCT FRAGO 191.

[redacted] (S)(q)

and training conducted by the Regimental Judge Advocate. Change 1 to RCT FRAGO 191, Appendix 6, contains a list of items that should be in TCP kit. That same FRAGO directs units to report equipment shortages to the RCT S4 ASAP. If there are equipment shortages, units have been directed in training and Change 1 to RCT FRAGO 191 to use the equipment they have on hand to mark their positions to the maximum extent possible.

[redacted] (S)(q)

f. The unit is currently processing a CERP condolence packet for the next-of-kin of the deceased local national, as required by MNC-I Policy Letter #15.

AFZB-KG-SJA

SUBJECT: Legal Review of AR 15-6 Investigation – EOF Resulting in the Death of a Local National Involving PFC [REDACTED] C/1-26 IN, on 21 September 2006

2. Point of contact for this legal review is the undersigned at VOIP [REDACTED] or SIPR at [REDACTED]@us.army.smil.mil.

[REDACTED]

CPT, JA  
Trial Counsel



DEPARTMENT OF THE ARMY  
HEADQUARTERS, 506TH REGIMENTAL COMBAT TEAM  
101ST AIRBORNE DIVISION (AIR ASSAULT)  
FORWARD OPERATING BASE LOYALTY, APO AE 09390-1500



REPLY TO  
ATTENTION OF

AFZB-KG-CO

21 September 2006

MEMORANDUM FOR CPT [REDACTED] (9)(q) (E)(q) HHC, 1-26 Infantry Regiment, 506<sup>th</sup>  
Regimental Combat Team, 101<sup>st</sup> Airborne Division (Air Assault), Camp Rustamiyah, 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 PFC [REDACTED] (9)(q) (E)(q) C Company, TF 1-26 IN, that occurred on 21 September 2006, and resulted in the death of a local national motorist. Your investigation will focus on the following areas:

- a. What were the facts and circumstances requiring the escalation of force?
- b. What traffic control devices did the patrol have on hand?
- c. What, if any, traffic control devices (traffic signs, flares, concertina wire, cones, or other devices did the unit element utilize to mark the position of their cordon and warn oncoming motorists) did the patrol utilize?
- d. Did the escalation of force comply with the Rules of Engagement? Were disabling shots attempted prior to firing to kill the driver?
- e. Was the escalation of force reasonable and proportionate to the threat, given the facts and circumstances?
- f. Was there any damage to civilian personnel or property? If so, were claims cards distributed to civilian personnel as required by MNC-I Policy Letter #15?
- g. Identify the name and contact information of the local national killed in this incident, if the unit has not already done so.
- h. What, if any, corrective actions, training, or changes to procedure should be made in light of this incident?

2. In your investigation, all witness statements will be taken using DA Form 2823, sworn or unsworn, at your discretion. 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

006774

AFZB-KG-SJA

SUBJECT: Appointment as Investigating Officer

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 [redacted] (z)(q)).**

3. This investigation takes precedence over your other assigned duties. Record your findings and recommendations utilizing DA Form 1574. Submit your investigation packet to this headquarters NLT 1800 28 September 2006. Any requests for an extension should be made to me verbally or in writing.

[redacted]  
(g)(9) (ε)(9)

COL, IN  
Commanding

		YES	NO <sup>1</sup>	NA <sup>2</sup>
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>B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)</b>				
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)?			
<b>C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)</b>				
9	Notice to respondents (para 5-3, 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: <sup>1</sup> Explain all negative answers on an attached sheet.

<sup>2</sup> 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.

**REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS**

For use of this form, see AR 15-6; the proper 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** (g)(q) (e)(q) **HEADQUARTERS, 506TH REGIMENTAL COMBAT TEAM**  
(Appointing authority)

on **21 SEP 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~~ commenced at **FOB LOYALTY, BAGHDAD IRAQ** at **1300**  
(Place) (Time)

on **25 SEP 2006** (Date) *(If a formal board met for more than one session, check here . Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)*

The following persons *(members, respondents, counsel)* were absent: *(include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)*

The investigating officer ~~board~~ finished gathering/hearing evidence at **1800** on **25 SEP 2006**  
(Time) (Date)  
 and completed findings and recommendations at **1600** on **27 SEP 2006**  
(Time) (Date)

**SECTION III - CHECKLIST FOR PROCEEDINGS**

**A. COMPLETE IN ALL CASES**

		YES	NO <sup>1</sup>	NA <sup>2</sup>
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:** <sup>1</sup> Explain all negative answers on an attached sheet.  
<sup>2</sup> 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.

**006777**

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

The ~~(investigating officer)~~ ~~(board)~~, having carefully considered the evidence, finds:  
SEE ATTACHED SHEET FOR FINDINGS AND RECOMMENDATIONS

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

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

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.)

(9)(a) (e)(a)

(9)(a) (e)(a)

CPT CO

(Investigating Officer) (Resistant)

(Recorder)

(Member)

(Member)

(Member)

(Member)

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

To the extent indicated in Inclosure \_\_\_\_\_, the undersigned do(es) not concur in the findings and recommendations of the board. (In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.)

(Member)

(Member)

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

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

DAVID D. HALVERSON  
BG, U.S. Army  
ADC-S



DEPARTMENT OF THE ARMY  
 Task Force 1-26 Infantry  
 1<sup>st</sup> Infantry Division (MECH)  
 APO AE 09226



REPLY TO  
 ATTENTION OF:

AETV-BGS-G-HHC-CO

27 September 2006

MEMORANDUM FOR RECORD

SUBJECT: Findings and Recommendations for PV2 (b)(7)(C) AR 15-6

1. What were the facts and circumstances requiring the escalation of force?

On 211554SEP06, at (b)(7)(C) PV2 (b)(7)(C) was manning his M240B crew served weapon on C 8, an M1151, that was part of the security element supporting a C/1-26 cordon and search for a suspected sniper. At 1554, PV2 (b)(7)(C) identified an Iraqi POV turning onto the street that began to approach his TCP. At the (b)(7)(C) mark (exhibit J), PV2 (b)(7)(C) stood up and (b)(7)(C) the on coming vehicle. The vehicle continued towards PV2 (b)(7)(C) (b)(7)(C). Again PV2 (b)(7)(C) stood up from his turret and (b)(7)(C). At the (b)(7)(C) mark, clearly identified to PV2 (b)(7)(C) by his squad leader as a metal telephone pole with a white car parked across from it (exhibit J), PV2 (b)(7)(C) oriented his M240B up over the approaching vehicle and fired three warning shots into the air. The vehicle responded by speeding up. At the (b)(7)(C) mark, clearly identified as another telephone pole (exhibit J), PV2 (b)(7)(C) fired two shots into the vehicle hitting the left front light and left rear tire (exhibit I). The car continued towards PV2 (b)(7)(C) who placed two shots into the driver's side windshield, killing the driver instantly (exhibit I). The vehicle came to a stop approximately (b)(7)(C) meters from PV2 (b)(7)(C) (exhibits A, B C, E, F, G, H and I)

I went to the scene in order to verify not only the distances used for the standoff ranges but to also see if PV2 (b)(7)(C) was clearly visible from the driver's point of view. We used an M1151 to simulate the LN's POV and had it start at the entrance to the street approximately (b)(7)(C) from PV2 (b)(7)(C) position. Once in place, we radioed the driver of the other M1151 and asked if he could see PV2 (b)(7)(C) (b)(7)(C). The driver was clearly able to see (b)(7)(C). The M1151 then moved towards PV2 (b)(7)(C) truck and at each engagement point described by the witnesses verified both the visual markers used to mark distances and to see if the distances were accurate. In each case the distances described in the witness statements (exhibits B, C, F, G, and H) were accurate. I then walked the entire street to the point where the LN's POV entered the street. From the entrance to the street, I looked back at PV2 (b)(7)(C) M1151 and could barely make out his hand being held up in the Iraqi stopping motion. Looking down the road at his vehicle there was no doubt he was blocking the road (b)(7)(C)

¶(z)(q) At each engagement point, I verified the distances and found them to be accurate. The distances used in the witness statements are accurate and truthful. (exhibit J)

2. What traffic control devices did the patrol have on hand? 1LT ¶(q) ' (e)(q) patrol had several traffic control devices on hand but not in sufficient quantities to cover all of the TCPs. All of the trucks had signs, but they were all attached to the back of the trucks and none were portable. ¶(z)(q) ¶(z)(q) PV2 ¶(q) ' (e)(q) TCP was equipped with none of these devices except ¶(z)(q) (exhibits E and F)

3. What, if any, traffic control devices ¶(z)(q) ¶(z)(q) did the patrol utilize? None (exhibits E, F, G, and H)

4. Did the escalation of force comply with the Rules of Engagement? ¶(z)(q) ¶(z)(q) The escalation of force complied with the ROE. PV2 ¶(q) ' (e)(q) had received the proper EOF and ROE training and was well aware of ¶(z)(q) He provided every visual and warning technique he had at his disposal. He used the proper stand off range when giving these warnings. When he had exhausted all attempts to turn or stop the vehicle, to include warning ¶(z)(q) shots, PV2 ¶(q) ' (e)(q) had no choice but to engage the driver with deadly force. (exhibits D, E, F, G and H)

5. Was the escalation of force reasonable and proportionate to the threat, given the facts and circumstances? I find that given the facts and circumstances (exhibits A, B C, E, F, G, H and I ), PV2 ¶(q) ' (e)(q) did everything he could to properly stop the oncoming vehicle. He followed the EOF/ROE to the letter, within his capabilities, and in the end had to resort to deadly force as outlined in the EOF/ROE.

6. Was there any damage to civilian personnel or property? If so, were claims cards distributed to civilian personnel as required by MNC-I Policy Letter #15? Yes there was damage to civilian personnel and property (exhibit I ). Claims cards were properly given out at the scene. (exhibit E )

7. Identify the name and contact information of the local national killed in this incident if the unit has not done so already. The unit has already completed this action.

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

a. It is my recommendation that PV2 ¶(q) ' (e)(q) receive no UCMJ action and that he did everything he was supposed to do under the circumstances he faced. He was obviously trained to the EOF/ROE standards and followed the ¶(z)(q) steps of EOF.

¶(q)

(s)(a)

c. I recommend that his patrol attend EOF/ROE refresher training to reinforce the proper steps for EOF, IAW MNC-I Policy Letter #15.

d. I also recommend that the unit evaluate their TCP kits and ensure all vehicles that may potentially have to set up a TCP be outfitted with proper traffic control devices. It is clear that proper traffic control devices are in short supply within C/1-26 IN and steps should be taken to provide C/1-26 IN and any other unit within TF 1-26 with the proper quantity and types of traffic control devices.

e. It is also my recommendation that SOPs for traffic control points should be established for all companies within the TF. At a minimum the SOP should include actions for setting up a short duration TCP (5 to 10 min) and actions for TCPs in excess of 10 mins. The SOP should also include what traffic control devices should be in a TCP kit and how to set up and utilize the traffic control devices within the kit and what traffic control devices should be used for a short duration and a long duration TCP.

f. It is my recommendation that procedures for discharging warning shots be established within the TF. The three warning shots PV2 Almond fired were into the air and had to come down somewhere (exhibit C). It would have been a better idea for the squad leader to designate a point somewhere into the ground or an object for PV2 Almond to aim and shoot out for his warning shots.

g. Finally, patrol leaders need to know what capabilities their patrols have for setting up TCPs and need to include TCP EOF as part of their battle drill briefings during a mission rehearsal. Dissemination of this information down to the lowest level needs to be ensured by the patrol leaders. It was clear that the patrol leader, while aware of what he thought he had, wasn't sure what his traffic control device distribution was within the patrol group (exhibit E). With further analysis he could have made sure that all of his patrol had a least one form of blocking/ redirecting device located on their vehicle and briefed how each would be employed at their respective TCP.

(s)(a) (e)(a)

CPT, OD  
Investigation Officer

006782

**Exhibit List**

**A. Serious Incident Report, dated 21 Sep 2006**

**B. Statement from SGT** (9)(a) (ε)(a)

**C. Statement from PV2** (9)(a) (ε)(a)

**D.** (b)(7)(c) **Escalation of Force**

**E. Statement from 1LT** (9)(a) (ε)(a)

**F. Statement from 1SG** (9)(a) (ε)(a)

**G. Additional Statement from SGT** (9)(a) (ε)(a)

**H. Additional Statement from PV2** (9)(a) (ε)(a)

**I. Pictures of the vehicle and driver**

**J. Personal walk thru picture packet of the scene**

## 506th RCT Serious Incident Report

From: 506<sup>th</sup> RCT

To: 4ID Operations

Subject: SIR – EOF

1. Category: EOF

2. Type of incident: EOF

3. DTG:

A. DTG of Incident: 211554SEP06

B. DTG BN was notified of Incident: 211605SEP06

C. DTG received by BDE: 211605SEP06

4. Location: Adamiyah [redacted] (g)(q) (z)(q)

5. Personnel involved: PFC [redacted] (g)(q) (e)(q)

A. Subject: [redacted] (g)(q) (e)(q)

1. Rank or grade: PFC

2. Social Security Number: [redacted] (g)(q) (e)(q)

3. Race: [redacted] (g)(q) (e)(q)

4. Sex: Male

5. Age: 20

6. Position: HMMMV Gunner

7. Security clearance: N/A

8. Unit and station of assignment: C co 1-26 IN HQ PLT

9. Duty status: Active

10. Marital Status: [redacted] (g)(q) (e)(q)

B. Additional personnel involved:

C. Summary of incident: At 211554SEP06, PFC [redacted] (g)(q) (e)(q) was serving as a HMMWV gunner while his company was conducting a cordon and search at [redacted] (g)(q) (z)(q) in response to a SAF attack that resulted in 1 x U.S. WIA. PFC [redacted] (g)(q) (e)(q) was providing security for search elements. While on the outer cordon, PFC [redacted] (g)(q) (e)(q) (M240 Gunner for a M1151) identified a vehicle approaching the cordon. Using the proper steps of the escalation of force and following the instructions from SGT [redacted] (g)(q) (e)(q) his NCOIC, PFC [redacted] (g)(q) (e)(q) immediately stood up on his gunner's strap and [redacted] (g)(q) (z)(q)

[redacted] (g)(q) (z)(q)  
When the vehicle got within [redacted] (g)(q) (z) meters of the cordon, PFC [redacted] (g)(q) (e)(q) dropped down to man his M240B and shot a three-round warning burst in the air well over the vehicle. The driver of the vehicle reacted by accelerating faster towards the cordon. When the vehicle was [redacted] (g)(q) (z) meters from the cordon, PFC [redacted] (g)(q) (e)(q) took a well aimed two-round burst

006784  
Encl 2

Exhibit A

## 506<sup>th</sup> Serious Incident Report

into the driver's side windshield in order to stop the vehicle. The engagement eliminated the threat by killing the driver and stopping the vehicle. The three other LNs in the car were not injured during this incident. There was nothing illegal found upon searching the vehicle. The three LNs in the vehicle were family members and were not detained after questioning. The IPs retrieved the body and escorted the family from the site of the incident. A 15-6 Investigation is being initiated.

D. Commanders Assessment: This is the first time PFC (b)(7)(C) (b)(7)(D) has discharged his weapon in Iraq after being in Iraq for over one month. He did everything in his power to stop this vehicle from entering the cordon before firing his warning bursts and his deadly burst at the driver. PFC (b)(7)(C) (b)(7)(D) was left with no other choice but to shoot the driver in order to stop the vehicle. PFC (b)(7)(C) (b)(7)(D) will be pulled off of further missions until he attends additional EOF training, understands the crucial step of shooting to disable vehicles whenever possible before shooting the driver and conducts counseling with the Chaplain. I will personally evaluate the soldier prior to him being released for future combat patrols.

6. Other Information: None

- A. Racial Involvement: None
- B. Alcohol Involvement: None
- C. Last Deployment: N/A

7. Remarks: None

8. Commander reporting: CPT (b)(7)(C) (b)(7)(D) CDR, C/1-26 IN

9. Point of contact: CPT (b)(7)(C) (b)(7)(D) 506<sup>th</sup> RCT BTL CPT

10. Report originated by: CPT (b)(7)(C) (b)(7)(D) CDR, C/1-26 IN

11. Released by: CPT (b)(7)(C) (b)(7)(D) 506<sup>th</sup> RCT BTL CPT

12. Unit Notifications:

A. Telephone (b)(7)(C)

Position	Name	Time	Instructions
----------	------	------	--------------

B. Email

Position	Name	Time	Instructions
----------	------	------	--------------

---

006785