



2 Sigs

UNCLASSIFIED



MULTI-NATIONAL CORPS IRAQ

| | | | |
|---|----------------|-------------------------------------|---|
| STAFF SUMMARY | | CLASSIFICATION: UNCLASSIFIED | DATE: 15 MAR 07 |
| SJA | | | |
| Staff Section | Section Log #: | SJS Log | |
| TO: CG | | SUSPENSE: NA | FROM: Adlaw, SJA |
| SUBJECT: CG approve the findings and recommendations in AR 15-6 report. | | | Action Officer: CPT (b)(3)(b)(6) (b)(2)High |
| ISSUE/PURPOSE: CG sign DA Form 1574 and MFR approving the findings and the recommendations concerning an EOF incident involving 118th MP Co. (part of 89th MP BDG), in which a local national was killed. | | | |
| BACKGROUND: | | | |
| ISSUE/CONCERNS: Impairment of gunner's field of vision by LSS turret netting; suspected VBIED breached cordon. <i>Cordon procedures at Traffic Circle</i> | | | |
| RECOMMENDATION: CG approve the findings and recommendations, but direct review of LSS netting and unit cordon procedures. | | | |
| ATTACHED DOCUMENTS: | | | |
| <ul style="list-style-type: none"> Tab I (DA Form 1574)) Tab II (Memorandum for Record) Tab III (Memo from BDG CDR) Tab IV (Legal Review by BDG JA) Tab V (AR 15-6 Investigation Report) | | | |

REMARKS: Brief Synopsis: On 7 JAN 2007, at approximately 1500, members of the 118th MP Co. departed the Bab Al Muadam Police Station to assist IPs investigate a possible kidnapping location. When they reached the location, members of the unit established a cordon with their M114s to the front and rear of the target area (the traffic circle located at (b)(2)High). Shortly after arriving, the unit was engaged by SAF from multiple locations. During a lull in the firing, the gunner in vehicle 113 (PFC (b)(3)(b)(6)) observed a white and orange sedan approaching the cordon at approximately 40 MPH. The gunner in the vehicle closest to the direction of approach (vehicle 111) did not observe the sedan, since his vision was limited due to the LSS netting covering the turret. PFC (b)(3)(b)(6) had cut down his LSS netting earlier in the engagement in order to identify the POO after the netting was hit by a round of SAF.

PFC (b)(3)(b)(6) suspected a possible VBIED, since other traffic in the area had stopped at the direction of the IPs and due to the fact that the sedan was approaching the cordon at a high rate of speed shortly after the unit had been engaged by SAF (possible complex attack). PFC (b)(3)(b)(6) began EOF procedures when the vehicle came within approximately 200 meters of his vehicle by yelling for the vehicle to stop and waving his arms. The sedan continued to approach and when it was about 100 meters away PFC (b)(3)(b)(6) fired one round from his M-4 rifle to the side of the vehicle.



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The sedan failed to stop and at 75 meters, he fired one round into the hood of the sedan, but it continued to approach. The sedan then passed in front of vehicle 111 and angled towards vehicle 113. As the sedan came within 50 meters, PFC (b)(3)(b)(6) assessed apparent hostile intent and fired multiple shots from his M-4 into the driver's compartment of the sedan. The sedan crashed into a wall approximately 10 meters from vehicle 113. The driver was killed. However, no member of the unit dismounted to inspect the body or the sedan, due the continuing threat from SAF. The IPs recovered the body and took it to an unknown location. There were no passengers in the sedan.

IO's Conclusions: The IO concluded that PFC (b)(3)(b)(6) followed proper EOF procedures. However, he expressed concern about the effectiveness of the LSS netting on the turrets, since it significantly limits the gunner's field of vision.

IO's Recommendations: No need for further investigation or action by the command.

Legal Review by 89th MP BDG JA: Investigation legally sufficient (TAB IV).

Command Recommendation: BDG CDR agrees with findings and recommendations (Tab III).

SJA Recommendation: I agree with the legal review performed by JA at 89th MP BDG that the investigation report is legally sufficient (Tab IV). I recommend that you approve the findings and recommendations, but recommend that you direct the unit and other appropriate entities to consider possible deficiencies with current LSS netting. Also, I recommend that you direct the unit to review cordon procedures for traffic circles, since the suspected VBIED was able to breach the cordon. These directives are reflected in the Memorandum for Record (Tab II)

CG Actions: Sign DA Form 1574 (Tab I) and Memorandum for Record (Tab II).

**NOTICE: CONFIDENTIAL LEGAL ADVICE – ATTORNEY WORK PRODUCT
 DELIBERATIVE PROCESS DOCUMENT
 NOT FOR PUBLIC RELEASE**

| | | | | | | | | |
|---|----------|--------------|---|-----|--|---|-----|--|
| 1 | SJA | | 3 | SJA | | 5 | SJA | |
| 2 | C3 AT/FP | (b)(3)(b)(6) | 4 | CG | | | | |

COMMENTS: C = CONCUR; NC = NONCONCUR

TAB



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HEADQUARTERS, 89th MILITARY POLICE BRIGADE
APO AE 09342

AFVP-CO

24 February 2007

MEMORANDUM THRU

Office of the Staff Judge Advocate, Multi-National Corps, Camp Victory, Iraq APO AE 09342
Deputy Commander, Multi-National Corps, Camp Victory, Iraq APO AE 09342

FOR Commander, Multi-National Corps, Camp Victory, Iraq APO AE 09342

SUBJECT: Findings and Recommendation AR 15-6 Investigation—EOF

1. I have reviewed the Army Regulation 15-6 investigation and supporting documentation pertaining to an Escalation of Force incident by a Soldier assigned to the 118th Military Police Company, 759th Military Police Battalion, 89th Military Police Brigade on 7 January 2007.
2. The investigation established that the Local National involved demonstrated hostile intent. The Soldier followed proper Escalation of Force procedures and used deadly force killing one Local National. The Soldier's use of deadly force was authorized under the Rules of Engagement.
3. Recommend you approve the Investigating Officer's findings and recommendations.

1 Encl

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

COL, MP
Commanding

008427

TAB



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HEADQUARTERS, 89th MILITARY POLICE BRIGADE
APO AE 09342

APVP-JA

13 February 2007

MEMORANDUM FOR Commander, 89th Military Police Brigade, APO AE 09342

SUBJECT: Legal Review of Report of AR 15-6 Investigation

1. I have reviewed the Report of Investigation dated 14 January 2007 concerning the facts and circumstances surrounding an Escalation of Force (EOF) in which a local national was killed on 7 January 2007, by 118th Military Police Company.

2. I find that the report is **legally sufficient** subject to the following comments:

a. The findings of the Investigating Officer are supported by a preponderance of the evidence as contained in the exhibits.

b. There were no material errors present which would affect the findings and recommendations.

c. The actions taken during this investigation comply with the applicable legal and procedural requirements of AR 15-6.

3. Findings and Recommendations by the Investigating Officer may be adopted, rejected or modified by the Appointing Authority, so long as there is evidence within the Report of Investigation with its enclosures to support the modifications.

4. POC is the undersigned at (b)(3)(b)(6) @iraq.centcom.mil or VOIP (b)(2)High .

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

Encl
DA Form 1574 w/encls

CPT, JA
Trial Counsel

008429

TAB



REPLY TO
ATTENTION OF

HEADQUARTERS
MULTI-NATIONAL CORPS - IRAQ
BAGHDAD, IRAQ
APO AE 09342

MAR 18 2007

FICI-JA-AL

MEMORANDUM FOR RECORD

**SUBJECT: Approval of AR 15-6 Investigation, 118th Military Police Company,
Escalation of Force, 7 January 2007**

1. I have reviewed the investigation into an escalation of force incident on 7 January 2007, in which a local national was killed.
2. I have approved the findings and recommendations of the Investigating Officer.
3. I direct the unit and my staff to consider possible deficiencies with current LSS turret netting for the M1114. Also, I direct the unit to review its cordon procedures for traffic circles, since the suspected VBIED was able to breach the cordon.
4. Point of contact for this memorandum is CPT (b)(3)(b)(6) MNC-I OSJA,
Administrative Law, DSN (b)(2)High or at email (b)(3)(b)(6)@iraq.centcom.mil.

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

RAYMOND T. ODIERNO
Lieutenant General, USA
Commanding

008431

Pages 9 through 12 redacted for the following reasons:

Illegible

AR 15-6 Investigation

Escalation of Force Incident
SIGACT #1130
118th Military Police Company
(ABN)
7 January 2007

1LT (b)(3)(b)(6)
46th Military Police Company



Page 14 redacted for the following reason:

Non Responsive, (b)(3)(b)(6)



REPLY TO
ATTENTION OF

HEADQUARTERS
MULTI-NATIONAL CORPS-IRAQ
BAGHDAD, IRAQ
APO AE 09342

09 JAN 2007

FICI-JA-AL

MEMORANDUM FOR 1LT (b)(3)(b)(6) 46th Military Police Company, 759th Military Police Battalion, FOB Rustamiyah Iraq, APO AE 09390

SUBJECT: Appointment of AR 15-6 Investigating Officer

1. [U] **Appointed Duty.** You are appointed as an investigating officer to conduct an informal investigation IAW AR 15-6 into all of the facts and circumstances surrounding a 07 January 2007 Escalation of Force (EOF) incident, in which a local national was killed (SIGACT # 1130). Your duty is to determine all facts and circumstances and to "ascertain and consider the evidence on all sides of each issue, thoroughly and impartially, and to make findings and recommendations that are warranted by the facts and that comply with these instructions." AR 15-6, para. 1-6.

2. [U] **Standards.** Determine and reference all relevant standards, policies, procedures, and customs and practices. In preparing your report, be sure to identify and segregate any classified information. Also, be sensitive to any Privacy Act issues that may arise during the course of your investigation.

3. [U] **Specific Areas of Concern.** In addition to addressing the general facts and circumstances and any matter you think relevant, your investigation must address the following issues:

- a. Whether the unit used proper EOF measures and followed its ROE and TTPs?
- b. Were the EOF measures, ROE, and unit TTPs sufficient? Identify any deficiencies in the execution of the TTPs, or in the TTPs themselves.
- c. Whether the military vehicles/checkpoints were clearly marked?
- d. When did the unit last receive EOF training? If possible, provide a copy of the training slides as an enclosure to your investigation.
- e. What other factors, if any, contributed to the incident (e.g., training, experience, mission requirements, etc.)?
- f. Was the medical assistance provided adequate and timely?

FICI-JA-AL

SUBJECT: Appointment of AR 15-6 Investigating Officer

- g. What individual, unit, and systemic measures, if any, could have prevented this incident?
4. [U] **Primary Responsibility.** Your duties as an investigating officer take priority over other duties.
5. [U] **Suspense.** Submit the original report and one copy of the original to the 89th Military Police Brigade Office of the Staff Judge Advocate (OSJA) no later than 14 days after your receipt of this memorandum. Any requests for extension must be in writing through the OSJA.
6. [U] **Procedures.** Follow the informal investigative procedures of AR 15-6. Whenever possible, witness statements will be sworn and recorded on DA Form 2823. All persons will complete a Privacy Act statement. If you conduct any witness interviews telephonically, prepare a memorandum of record memorializing the interview. Use DA Form 1574 to prepare your report. Include with your report all documentary evidence, photographs, diagrams, sworn statements, and all other information or evidence you considered as a basis for your findings and recommendations.
7. [U] **Subject Matter Experts.** Consult and associate any subject matter experts during the course of your investigation.
8. [U] **Administrative Support.** With local command approval, an assistant may be assigned to assist you; e.g., to gather documents, to participate with you during interviews, to help organize and prepare the report, etc. You must, however, personally conduct all interviews of witnesses with personal knowledge of the incident ("fact witnesses").
9. [U] **Chronology of Investigation.** Maintain a detailed chronology of your investigative activities and include it as an exhibit to your report.
10. [U] **Possible Criminal Conduct.** If at any time during your investigation you suspect the person you are interviewing or you intend to interview of any misconduct, which may violate any provision of the Uniform Code of Military Justice (UCMJ) or any other criminal law or policy, you must advise them of their rights under Article 31, UCMJ, before continuing with further questioning. Document rights warnings and waivers on DA Form 3881.

FICI-JA-AL

SUBJECT: Appointment of AR 15-6 Investigating Officer

11. [U] **Legal Advice.** Before proceeding with the investigation, and as necessary during the course of the investigation, coordinate with CPT (b)(3)(b)(6) for legal advice, 89th MP BDE OSJA, at VOIP (b)(2)High (b)(3)(b)(6)@iraq.centcom.mil).

FOR THE COMMANDER:

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

JOSEPH ANDERSON
Brigadier General, USA
Chief of Staff

1. UNIT REPORTING: 89 MP BDE. POC IS THE BATTLE CAPTAIN/NCO, VOIP (b)(2)High
(b)(3)(b)(6) S-IRAQ.CENTCOM.SMIL.MIL.
(b)(3)(b)(6) @S-IRAQ.CENTCOM.SMIL.MIL

2. INCIDENT: SAF ENGAGEMENT/EOF
3. DTG: 071530CJAN07

SIGACT #1130

4. LOCATION OF INCIDENT: (b)(2)High ZONE 15,
BAB AL SHEIKH, BAGHDAD, 2BCT

5. PERSONNEL INVOLVED:

(b)(3)(b)(6) CPT, 118TH MP CO (ABN), 759TH MP BN, (b)(3)(b)(6)
(b)(3)(b)(6) COMPANY COMMANDER, ARCHANGEL 6

(b)(3)(b)(6) SPC, 118TH MP CO (ABN), 759TH MP BN, (b)(3)(b)(6)
(b)(3)(b)(6), DRIVER, ARCHANGEL 6

(b)(3)(b)(6) SPC, 118TH MP CO (ABN), 759TH MP BN, (b)(3)(b)(6)
GUNNER, ARCHANGEL 6

(b)(3)(b)(6) SGT, 118TH MP CO (ABN), 759TH MP BN (b)(3)(b)(6)
(b)(3)(b)(6) SQUAD LEADER, ARCHANGEL 6A

(b)(3)(b)(6) PFC, 118TH MP CO (ABN), 759TH MP BN, (b)(3)(b)(6)
(b)(3)(b)(6) DRIVER, ARCHANGEL 6A

(b)(3)(b)(6) PFC, 118TH MP CO (ABN), 759TH MP BN (b)(3)(b)(6)
GUNNER, ARCHANGEL 6A

(b)(3)(b)(6) SGT, 118TH MP CO (ABN), 759TH MP BN, (b)(3)(b)(6)
TEAM LEADER, ARCHANGEL 6B

(b)(3)(b)(6) PFC, 118TH MP CO (ABN), 759TH MP BN, (b)(3)(b)(6)
(b)(3)(b)(6) DRIVER, ARCHANGEL 6B

(b)(3)(b)(6) PFC, 118TH MP CO (ABN), 759TH MP BN, (b)(3)(b)(6)
(b)(3)(b)(6) GUNNER, ARCHANGEL 6B

(b)(3)(b)(6) CPL, 118TH MP CO (ABN), 759TH MP BN (b)(3)(b)(6)
(b)(3)(b)(6) TEAM LEADER, ARCHANGEL 6C

(b)(3)(b)(6) PFC, 118TH MP CO (ABN), 759TH MP BN (b)(3)(b)(6)
(b)(3)(b)(6) DRIVER, ARCHANGEL 6C

(b)(3)(b)(6) SPC, 118TH MP CO (ABN), 759TH MP BN, (b)(3)(b)(6)
(b)(3)(b)(6) GUNNER, ARCHANGEL 6 C

(b)(3)(b)(6) SSG, 118TH MP CO (ABN), 759TH MP BN (b)(3)(b)(6)
(b)(3)(b)(6) SQUAD LEADER, ARCHANGEL 12

(b)(3)(b)(6) II PV2 118TH MP CO (ABN), 759TH MP BN (b)(3)(b)(6)
(b)(3)(b)(6) DRIVER, ARCHANGEL 12

(b)(3)(b)(6) PFC, 118TH MP CO (ABN), 759TH MP BN, (b)(3)(b)(6)
(b)(3)(b)(6) GUNNER, ARCHANGEL 12

(b)(3)(b)(6) 118TH MP CO (ABN), 759TH MP BN,
PLATOON LEADER, ARCHANGEL 16

(b)(3)(b)(6) PV2, 118TH MP CO (ABN), 759TH M
(b)(3)(b)(6) DRIVER, ARCHANGEL 16

(b)(3)(b)(6) PFC, 118TH MP CO (ABN), 759TH MP B
GUNNER, ARCHANGEL 16

(b)(3)(b)(6) SGT, 118TH MP CO (ABN), 759TH MP E
(b)(3)(b)(6) TEAM LEADER, ARCHANGEL 12A

(b)(3)(b)(6) PFC, 118TH MP CO (ABN), 759TH MP
(b)(3)(b)(6) DRIVER, ARCHANGEL 12A

(b)(3)(b)(6) PFC, 118TH MP CO (ABN), 759TH MP
(b)(3)(b)(6) GUNNER, ARCHANGEL 12A

(b)(3)(b)(6) CPL, 118TH MP CO (ABN), 759TH MP BN,
TEAM LEADER, ARCHANGEL 12B

(b)(3)(b)(6) PFC, 118TH MP CO (ABN), 759TH MP
(b)(3)(b)(6) DRIVER, ARCHANGEL 12B

(b)(3)(b)(6) J., 118TH MP CO (ABN), 759TH MP BN,
GUNNER, ARCHANGEL 12B

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

6 MISSION: PTT OPERATIONS

7. SUMMARY OF INCIDENT: ARCHANGEL 6 RECEIVED INTEL FROM GENERAL LATEF (BC0080 COMMANDER), OF KIDNAP VICTIMS BEING HELD IN A BLDG IN THE FADEL AREA. ARCHANGEL 6 AND ARCHANGEL 12 PROCEEDED TO BC0079 TO PICK UP IPS FOR A SEARCH OF THE AREA. ARCHANGEL 6, ARCHANGEL 12 PICKED UP 3IP VEHICLES WITH 12 IPS AND WENT TO THE AREA. ARCHANGEL 13 WAS AT BC0081 AND SP ON COMBINED PATROL ENROUTE TO ARCHANGEL 6 LOCATION. 1A HAD ALREADY SEARCHED THE BUILDING WITH NEGATIVE RESULTS. UPON ARCHANGEL 12 ARRIVAL (b)(2)High IPS WERE ENGAGED BY AIF ARMED WITH AK-47, 3X HG IMPACTED AT ARCHANGEL 12 LOCATION. 1X HG DETONATED NEAR 118-111, 1X HG DETONATED NEAR AN IP TRUCK AND 1X HG DID NOT DETONATE. ARCHANGEL 12 OBTAINED PID ON AIF WHO THREW THE HG AND ENGAGED WITH 2X .50 CAL FROM 118-111. UNKNOWN BDA TO AIF. ARCHANGEL 12 RECEIVED SPORADIC SAF FROM THE NORTHEAST ON (b)(2)High (b)(2)High HAND OBTAINED PID ON 6X AIF IN THE STREET, RETURNING FIRE WITH 15X .50 FROM 118-111. ARCHANGEL 6 WAS ON THE OTHER SIDE OF A COMPOUND WALL TO THE SOUTHEAST AND OBTAINED PID ON 2X AIF WHO THEY ENGAGED WITH 40X .50 AND 30X 5.56 FROM 118-06 AND 118-231. 1X HG WAS THROWN FROM BEHIND A WALL TO THE NORTH. AA6 AND AA6A OBTAINED PID AND ENGAGED WITH 20X .50 RESULTING IN 1X AIF KIA. AA6 THREW 1X YELLOW AND 1X VIOLET SMOKE TO MARK LOCATION. ARCHANGEL 16 OBSERVED A ORANGE AND WHITE TAXI ENTERING THE INTERSECTION FROM (b)(2)High TO THE NORTH AND WENT THROUGH ALL EOF PROCEDURES, THE VEHICLE FAILED TO SLOW OR STOP. AA16 GUNNER FIRED 1X 5.56 INTO THE GROUND IN FRONT OF THE VEHICLE TO NO EFFECT. WHEN THE VEHICLE WAS 40M AWAY, NEXT TO 118-111. AA16 GUNNER FIRED 4X 5.56 INTO THE WINDSHIELD OF THE TAXI RESULTING IN 1X LN KIA. THE VEHICLE WAS SEARCHED AND THE BODY WAS REMOVED FROM THE SCENE BY IPS FROM BC0079 (b)(2)High

(b)(2)High ALL SOLDIERS WERE WEARING ALL
REQUIRED PPE. MINOR DAMAGE TO 118-231 AND 118-06. 1X LN KIA, 1X AIF KIA.

UPDATE:

8. DAMAGE TO GOVERNMENT AND/OR CIVILIAN PROPERTY: MINOR DAMAGE TO 118-
231 (SHRAPNEL DAMAGE TO FRONT OF HOOD AND RIGHT HEADLIGHT) AND 118-06

(b)(2)High FLAT RIGHT REAR TIRE AND SHRAPNEL DAMAGE
CAUSING A COOLANT LEAK) 1X LN KIA IDENTIFIED AS (b)(6)
RESIDING IN SADR CITY, 1X AIF KIA.

9. COMMANDER REPORTING: COL (b)(3)(b)(6) BRIGADE COMMANDER.

AR 15-6 Investigation Chronology

EOF 7 January 2007 SIGACT #1130
118th MP CO (ABN)

| <u>DTG</u> | <u>Event</u> |
|-------------|---|
| 112000JAN07 | IO received memorandum with appointment to conduct AR 15-6 investigation concerning SIGACT #1130 |
| 112100JAN07 | Attempted to collect copy of SIGACT #1130 from 46 th MP CO TOC. Tree drive was down and attempt was unsuccessful. |
| 121000JAN07 | Obtained copy of Storyboard PowerPoint concerning SIGACT #1130 from 46 th MP TOC |
| 121130JAN07 | IO meet with representative from 118 th MP CO TOC and collected original sworn statements concerning the events as well as a EOF training rosters signature sheets and one EOF training slide presentation |
| 122200JAN07 | Meet with training NCO for 118 th MP CO to collect weapons qualification scores for the gunner involved in the incident. |
| 131000JAN07 | Arranged with 118 th TOC to interview members of the team involved with the incident at 0930 on 14 January. |
| 131200JAN07 | Completed questionnaires for interviews on a DA2823 |
| 132100JAN07 | Reviewed interview questions and prepared privacy act statements for the following day. Organized evidence and other information in the investigation binder. |
| 140930JAN07 | Issued Privacy Statements and passed out questionnaires to 2LT (b)(3)(b)(6) PFC (b)(3)(b)(6) at 118 th MP CO TOC |
| 141030JAN07 | Completed interviews with 2LT (b)(3)(b)(6) PFC (b)(3)(b)(6) and PFC (b)(3)(b)(6) at 118 th MP CO TOC |
| 141100JAN07 | Received copy of mission brief and PCI checklist from 118 th TOC personnel. |
| 141430JAN07 | Completed diagram of incident based on interviews and DA 2823s |
| 141510JAN07 | Created index of incident exhibits |
| 141600JAN07 | Began work on DA 1574 |
| 142115JAN07 | Completed DA 1574, concluding investigation on SIGACT #1130 |

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291130JAN07

311600JAN07

061900FEB07

Investigation sent to IO to ask follow

up questions of individuals involved with
SINGACT #1130

Follow up questionnaire for 21 T Strock
and PFC (b)(3)(b)(6) completed on DA2823

Initial privacy act statement and 2873 given
to and completed by SSC (b)(3)(b)(6)

Revised DA1574 completed by IO

8th MP BDE AR 15-6 Checklist
completed by IO



DEPARTMENT OF THE ARMY
46TH MILITARY POLICE COMPANY
FOB RUSTAMIYAH, IRAQ
APO AE 09390

89BDE-759BN-46MP

15 January 2007

MEMORANDUM FOR RECORD

SUBJECT: Investigation into SIGACT #1130. EOF on 7 January 2007

1. The purpose of this memorandum is to report the findings of the investigating officer concerning SIGACT #1130. EOF on 7 January 2007 by members of the 118th MP CO (ABN).
2. Findings: On 7 January 2007 from approximately 1445 until 1550, 2nd Squad, 1st Platoon, 118th MP CO (ABN) were engaged with AIF (b)(2)High near the intersection of (b)(2)High and (b)(2)High. Arriving at Bab Al Muadam Police Station (BC0079), 1st Platoon discovered Iraqi Police were in the process of preparing to investigate a kidnapping location. Archangel 12, under the command of 2LT (b)(3)(b)(6)PL and SSG (b)(3)(b)(6)SQL joined the IPs in responding to the location. 2nd Squad called Archangel 6 for assistance. Upon arriving at the location near the above mentioned intersection, AA12 and 16 assisted Iraqi Police and Iraqi Army personnel in cordoning off the intersection. Vehicle 118-111 took up a position cordoning off (b)(3)(b)(6) and vehicle 118-113 blocked off traffic entering the traffic circle from (b)(3)(b)(6). Shortly after setting up the perimeter of the cordon, AA12 began to take SAF from buildings and alleyways around their location. The gunners from 118-111, PFC (b)(3)(b)(6) and 118-113, PFC (b)(3)(b)(6) engaged several AIF targets. Likewise, both were fired at by AIF with PFC (b)(3)(b)(6) having an AIF round go through the cammo netting (LSS) on top of his turret.
3. During a short break in the firing, a white and orange sedan, later determined to be a taxi, appeared to the 3 o'clock of 118-111 moving toward the traffic circle at an estimated 40 mph. All other traffic around the circle had stopped at this time, causing the behavior of the taxi to distinguish itself from other local national vehicles on the road. Vehicle 118-111 was in a static position facing the direction the majority of the AIF fire had come from. The gunner, PFC (b)(3)(b)(6) did not see the taxi due to his field of vision being limited by his LSS netting in the turret. The TC of the vehicle, SSG (b)(3)(b)(6), also did not see the taxi approach due to his attempting to reposition elements of his squad and the fact that the passengers side window sits below his eye level. Although he was approximately 100m further away and facing the same general direction as PFC (b)(3)(b)(6) when the taxi first appeared, PFC (b)(3)(b)(6) was able to see it because he had cut down the cammo netting on his turret. He had done this after the AIF round went through it and he was not able to identify the POO of the shot due to his viability being limited. With the LSS down, PFC (b)(3)(b)(6) recognized the fast moving taxi as a potential threat and began his EOF procedures. At approximately 200-250 meters, PFC (b)(3)(b)(6) began yelling and waving his arms to draw the attention of the driver of the taxi. At this point, the other members of vehicle 118-113, PFC (b)(3)(b)(6) (driver) and 2LT (b)(3)(b)(6) (TL) took notice of the taxi. Due to the speed at which the events transpired, 2LT (b)(3)(b)(6) did not have time to radio 118-111 to warn them of the approaching threat. Due the lack of time, the crew of 118-113 took action to prevent the taxi from entering the perimeter. At approximately 100 meters distance, PFC (b)(3)(b)(6) fired one warning shot with his M4 off the right side of his vehicle into the traffic circle median in the middle of the intersection. Despite the warning shot, the taxi continued to move toward the cordon. At approximately 75 meters, PFC (b)(3)(b)(6) fired one round from his M4 into the hood of the approaching vehicle. The taxi continued to move forward, passing in front of vehicle 111 whose crew did not gain a visual on the taxi until it crossed in front of the vehicle's rhino. At approximately 50 meters of separation, PFC (b)(3)(b)(6) placed his M4 on burst and fired 28 rounds into the taxi's windshield and drivers side window. PFC (b)(3)(b)(6) fearing for his life and the lives of the other soldiers in 118-113, used deadly force directed at the taxi, killing the driver as the taxi approached their position. PFC (b)(3)(b)(6) fired his entire magazine to make positive the driver was dead and could not detonate the explosive charge thought to be in the car. During the engagement, the taxi increased speed, passing in front of vehicle 118-113 and turning to the left, jumping the median that runs along (b)(2)High and crashed into a building on the other side of the street. After about 5-10 minutes, Iraqi Police responded to the site of the crash, removing the body and placing it into one of their vehicles. The body of the taxi driver was taken to an unknown location.

008446

According to the EOF flow chart located in the 118th MP CO TOC, a vehicle traveling at around 40mph would take no more than 14 seconds to reach a vehicle in a static location. During this short period of time, PFC (b)(3)(b)(6) was able to properly utilize all EOF procedures taught to him during two ROE/EOF training sessions he completed with the 118th MP CO and reinforced during his daily mission briefs by his Squad Leader. The 118th MP CO has trained its Soldiers on EOF procedure repeatedly, including EOF lanes it ran on the IMAR side of FOB Rustamiyah in September 2006. Combined with mission briefs and EOF poster in the TOC, all Soldiers have been adequately prepared to utilize proper EOF techniques when confronted with a relevant situation. The 118th MP CO practiced sound TTPs in this situation by being able to respond to a threatening situation using EOF procedures when the environment around them was established as hostile due to AIF engaging the unit continuously during the period of the incident. A less disciplined unit and Soldier might have used deadly force without resorting to EOF procedures due to the nature of the situation around him. Furthermore, all members of PFC (b)(3)(b)(6) team responded on their DA 2823 Sworn Statements and during interviews with the IO that they believed their lives were in danger because the taxi displayed behavior consistent with that of a VBIED. The question why, if it were a VBIED, the taxi did not detonate next to vehicle 118-111 is impossible to answer. Potentially, the vehicle could have been targeting both 118-111 and 118-113. It also could have been after IPs or local nationals around the area. The driver could have been distracted by the warning shots or the vehicle could simply have failed to detonate on time. The bottom line is that VBIEDs typically display behavior different from that of other vehicles on the road. TTPs consistently demonstrate that unusual behavior, combined with a single male driver are indicators of a VBIED. Combined with the SAF the squad was already taking, the VBIED could have been another component of a complex AIF attack. Since nothing in the ROE precludes Soldiers from protecting their own lives and the lives of their fellow Soldiers if they feel they are being threatened by a hostile act, the use of deadly force was justified in this circumstance. The driver of the taxi was given every opportunity to stop or change his course of travel. PFC (b)(3)(b)(6) only engaged the vehicle with deadly force when no other means to alter the path of the taxi were available.

5. All CF on site were clearly marked as belonging to the United States military. Vehicles 118-111 and 118-113 had US flags in the front windshield as well as other traits familiar to local nationals signifying them as US elements. Both vehicles had (b)(2)High and were positioned in a manner clearly indicating they are blocking off the traffic circle from oncoming traffic. There was no other method of identifying the vehicles that would have made the driver any more aware he was entering into a restricted area. Furthermore, local national drivers are aware that CF typically require them to stay back at least 100m from their vehicles. Although this TTP has been recently changed by TF759, almost all Iraqi drivers still keep a sizable gap between their vehicles and those belonging to CF when on the road. Furthermore, all other vehicle traffic has been stopped by the cordon element, clearly showing the intent to restrict local national traffic from entering into the traffic circle area.
6. Assistance was provided by Iraqi Police approximately 5-10 minutes after the taxi impacted with the building behind vehicle 118-113. IPs removed the body of the driver and transported him to an unknown location in an IP vehicle. No Archangel elements dismounted to inspect the taxi or the remains of the local national driver due to the hostile nature of the environment around them. Indeed, minutes after the EOF incident with the taxi, the squad was again engaged with SAF by AIF. No photographs or video of the taxi was taken by Archangel units.

7.

(b)(5)

(b)(5)

8. The investigating officer has discovered no reason why this incident should be investigated further. The IO is satisfied that the Soldiers performed admirably under adverse conditions and reacted correctly to the situation based on the training they had received from their unit. There were no other measures that could have been undertaken by the 118th MP CO that would have prevented the death of the local national driver.
9. POC for this memorandum is the undersigned at (b)(3)(b)(6) @us.army.mil.

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

1LT, MP
Investigating Officer

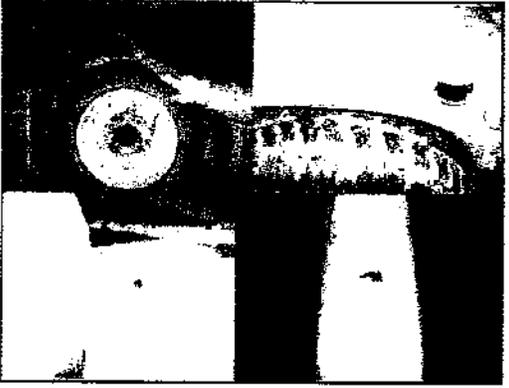
008448

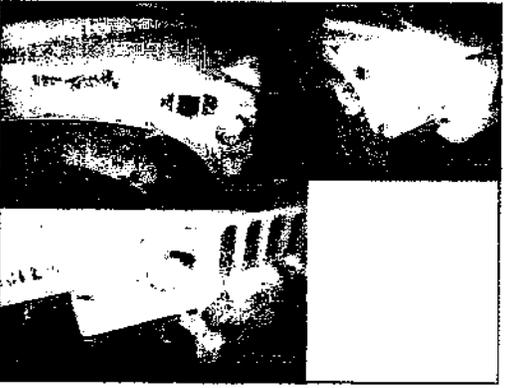
AR 15-6 Investigation Exhibit Index

Escalation of Force Incident SIGACT #1130
 118th Military Police Company (ABN)
 7 January 2007

| Exhibit Number | Exhibit Description |
|----------------|---|
| I | 118 th MP CO storyboard of incident (slides and handouts) 4 Pages |
| II | DA2823 of 2LT [redacted] 7 January 2007 |
| III | DA2823 of PFC (b)(3)(b)(6) on 7 January 2007 |
| IV | DA2823 of PFC [redacted] on 7 January 2007 |
| V | Copy of 118 th MP CO EOF Sustainment Training Plan conducted 20-21 September |
| VI | Copy of Sign in Roster for EOF training conducted by 1 st Platoon, 118 th MP CO on 4 November 2006 |
| VII | Copy of Sign in Roster for EOF training conducted by 118 th MP CO on 20-21 September 2006 |
| VIII | Copy of Sign in Roster for EOF training conducted by 1 st Platoon, 118 th MP CO on 29 July 2006 |
| IX | Photograph of EOF poster located in 118 th MP CO TOC |
| X | Copy of 1 st and 2 nd Squad, 1 st Platoon, 118 th MP CO trip ticket and PCI checklist for the mission on 7 January 2007 |
| XI | Copy of M4 qualification scorecard for PFC (b)(3)(b)(6) |
| XII | Copy of M240B qualification scorecard for PFC (b)(3)(b)(6) |
| XIII | Privacy Act Statement for 2LT [redacted] taken on 14 January 2007 |
| XIV | DA2823 questionnaire of 2LT [redacted] on 14 January 2007 |
| XV | Privacy Act Statement for PFC [redacted] taken on 14 January 2007 |
| XVI | DA2823 questionnaire of PFC [redacted] taken on 14 January 2007 |
| XVII | Privacy Act Statement for PFC [redacted] taken on 14 January 2007 |
| XVIII | DA2823 questionnaire of PFC [redacted] taken on 14 January 2007 |
| XIV | Sector Sketch of incident completed by IO on 14 January 2007 |
| XX | Additional Copy of Investigation Chronology |

| 071450CJAN07 ENGAGEMENT. 118th MP CO (ABN), ZONE 15 | |
|---|------------|
| Illegible | (b)(2)High |





071450CJAN07, ENGAGEMENT, 118th MP CO (ABN), ZONE 15

SUMMARY:

1X AIF KIA
1X LN KIA

DATE/TIME GROUP: 071450CJAN07

SIGACT ID#:

UNIT/DESIGN: 6-118th MP CO (ABN) ARCHANGEL 6
2-118th MP CO (ABN) ARCHANGEL 12

MISSION OF UNITS:

T: PTT AND COMBINED PATROL
CREW: 8X DUKES, ALL SYSTEMS FMC
CONVOY: 8X M114, FRAG 5

TIMELINE OF EVENTS:

1445: AA12 AND AA6 ARRIVE M8 4308 9011 SPS
RECEIVE SAF FROM NORTHEAST ON [REDACTED]
AA6 OBTAINED PID ON 2X AIF MOVING INTO A
COMPOUND BEHIND AA12 POSITION. ENGAGED WITH
40X .50 CAL AND 20X 5.56.
1450: AA12 RECEIVES 3X HG. 1X DETONATING 10
METERS FROM 118-111. 1X DETONATING NEAR IP
TRUCK. 1X NOT DETONATING. AA12 OBTAINED PID
AND ENGAGES 2X AIF WITH 2X .50 CAL.
1452: AA6 RECEIVED 1X HG. DETONATING BEHIND 118-
08 RESULTING IN MINOR DAMAGE. AA6 OBTAINED PID
RETURNED FIRE WITH 20X .50 CAL RESULTING IN 1X
AIF KIA.

1458: AA12 OBTAINED PID ON 6X AIF CROSSING [REDACTED]
[REDACTED] WITH AK47. ENGAGED WITH 15-20X .50 CAL
1502: AA6 MARKED POSITION WITH 1X YELLOW AND 1X
VIOLET GROUND SMOKE.

1507: AA16 OBSERVED ORANGE AND WHITE TAXI
ENTERING TRAFFIC CIRCLE AT A HIGH RATE OF
SPEED. GUNNER UTILIZED ALL EOF MEASURES WITH
NO EFFECT. FIRED 1X 5.56 INTO GROUND IN FRONT OF
TAXI WITH NO EFFECT. FIRED 4X 5.56 INTO THE
WINDSHIELD OF TAXI RESULTING IN 1X LN KIA.
1516: LN VEHICLE SEARCHED BY IPS. BODY REMOVED
FROM SCENE.

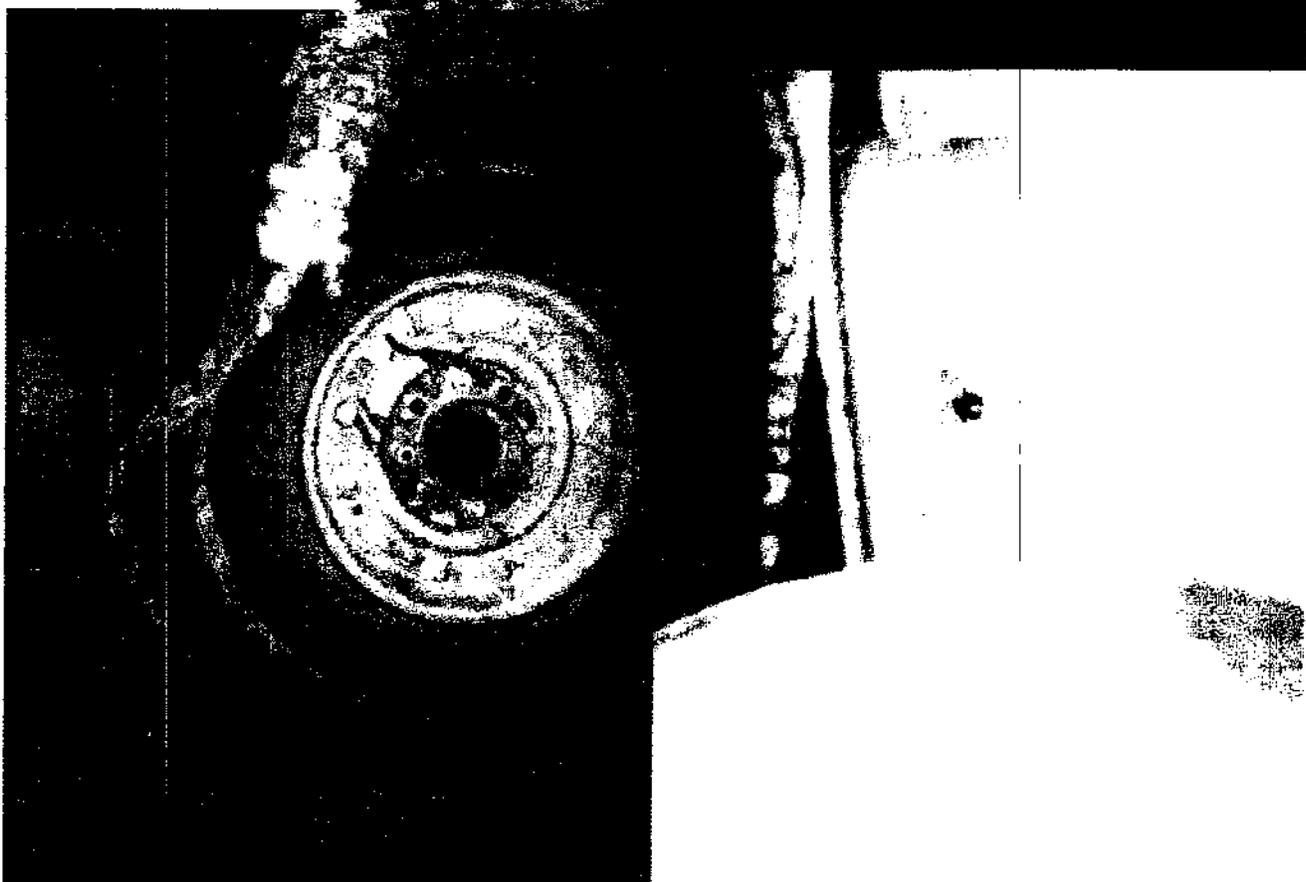
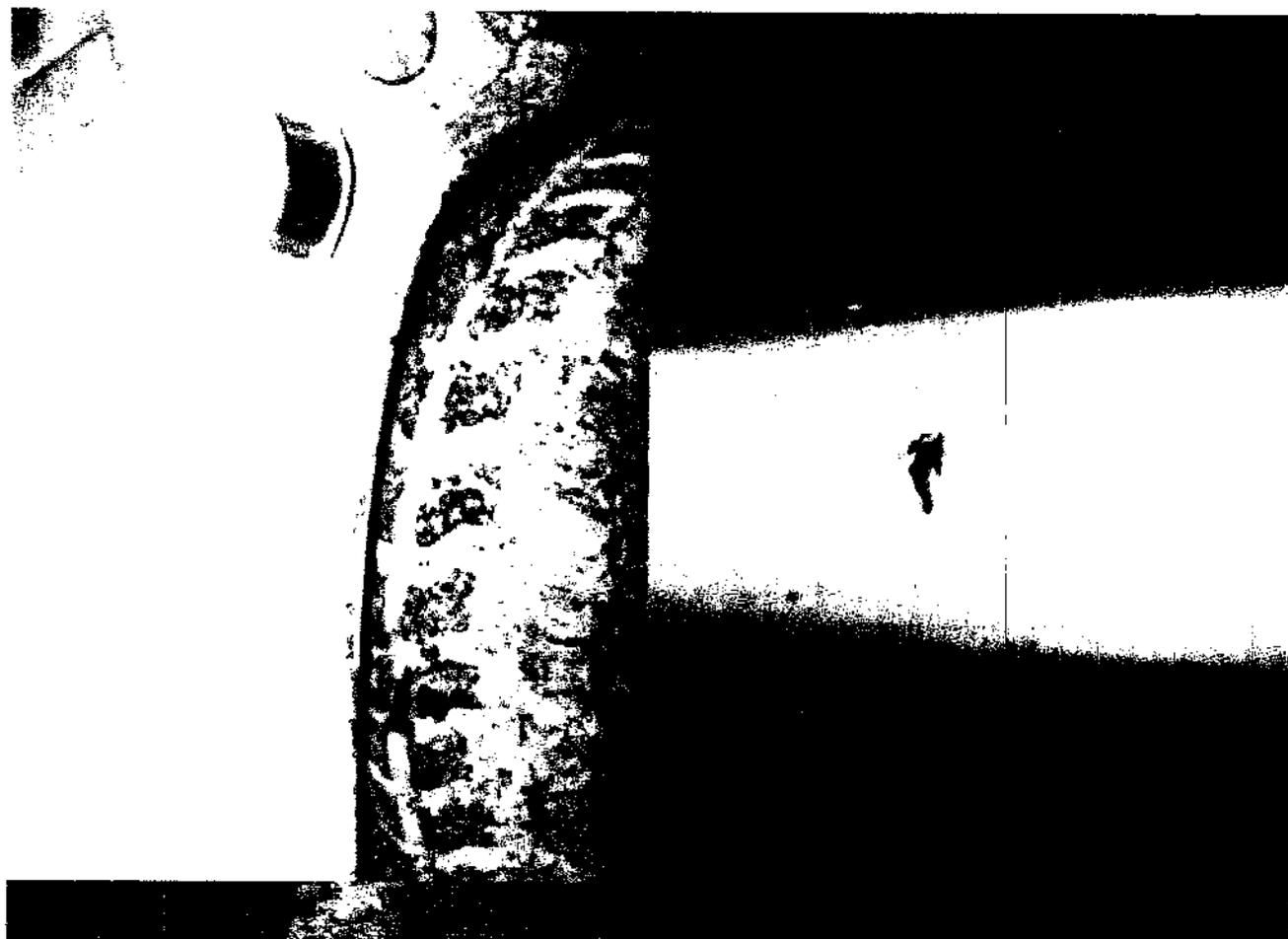
1550: A6 LEFT SITE ENROUTE TO AA13
ENGAGEMENT. ALL VEHICLES WERE EQUIPPED WITH
FRAG 5 AND DUKE SYSTEMS. ALL SYSTEMS ON AND
FMC. ALL SOLDIERS WERE WEARING ALL REQUIRED
PPE. 1X AIF KIA. 1X LN KIA. MINOR DAMAGE TO 118-08
AND 118-231.

S2 ASSESSMENT:

FILENAME:

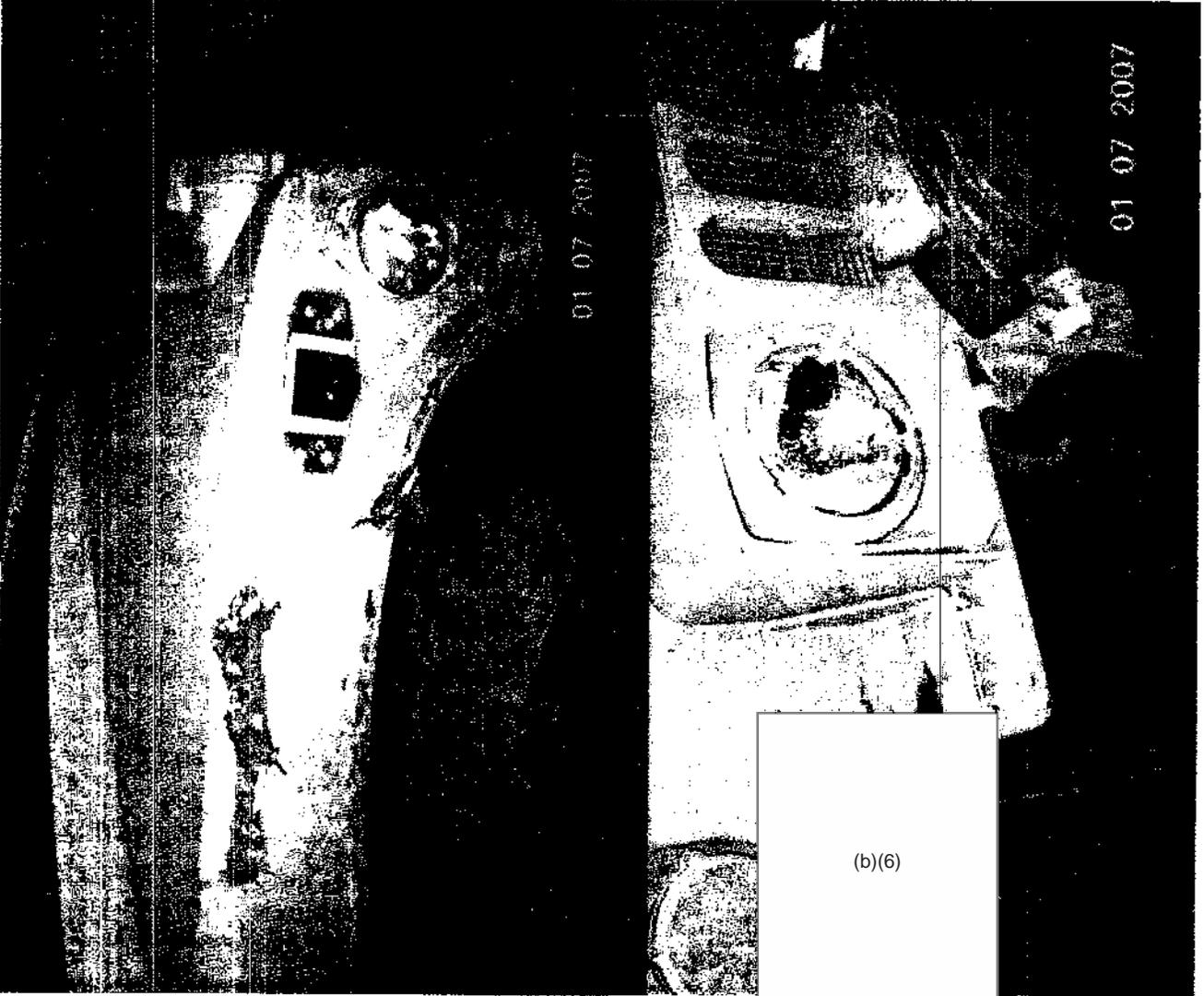
070707ENGAGEMENT_11XAIF KIA_1X EOF_759th MP
BN_89th MP BN.PPT

(b)(2)High





01 07 2007



01 07 2007

01 07 2007

(b)(6)

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 361; Title 5 USC Section 2851; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

| | | | |
|---|----------------------------------|------------------------|--------------------------------|
| 1. LOCATION FOB RUSTAMIYAH, IRAQ | 2. DATE (YYYYMMDD) 2007/01/01 | 3. TIME 2200 | 4. FILE NUMBER (b)(3)(b)(6) |
| 5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6) | 6. SSN (b)(3)(b)(6) | 7. GRADE/STATUS 201 | |
| 8. ORGANIZATION OR ADDRESS 118TH MP CO (ABN) | | | |
| (b)(3)(b)(6) | | | |

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Illegible

| | | | |
|---|---------------------------------|----------------------|-------------------|
| 9. SUBJECT | 10. INITIALS OF (b)(3)(b)(6) | KIN STATEMENT | PAGE 1 OF 1 PAGES |
| ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF | | AT _____ DATED _____ | |
| THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED | | | |

STATEMENT OF

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

TAKEN AT

2200

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

DATED

2007-01/07

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

9. STATEMENT (Continued)

Q. Was the driver identified?
A. The A or T.P. may have been identified, but not to my knowledge

Illegible

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

AFFIDAVIT

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

I, _____, HAVE READ OR HAVE HAD READ _____ STATEMENT WHICH BEGINS ON PAGE _____ AND ON PAGE _____ 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 CORRECTIONS. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD WITHOUT THREAT OF PUNISHMENT AND WITHOUT COERCION, UNLAWFUL INFLUENCE

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

(Signature of Person Making Statement)

WITNESSES

Subscribed and sworn to before me a person authorized by law to administer oaths, this 07 day of JANUARY 2007

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

ORGANIZATION OR ADDRESS

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

(Typed Name of Person Administering Oath)

Article 136 (b) (4) UCMJ

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

OF PERSON MAKING STATEMENT

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

PAGE 3 OF 3 PAGES

STATEMENT OF

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

TAKEN AT 2100

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

DATED 2007/01/08 (b)(3)(b)(6)

5 STATEMENT (Continued)

AFFIDAVIT

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

I HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT
CONTAINED ON PAGE 2 AND 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 FEAR OF
THREAT OF PUNISHMENT AND WITHOUT COERCION OR UNLAWFUL INFLUENCE.

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

Signature of Person Making Statement

WITNESSES

Subscribed and sworn to before me, a person authorized by law to

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

(Typed Name of Person Administering Oath)

ART 136(b) (4) UCMJ

(Authority To Administer Oaths)

INITIALS OF PER

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

STATEMENT

PAGE 1 OF 2 PAGES

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 FOB Rustamiyah | 2. DATE (YYYYMM) 2007/01/07 | 3. TIME 0700 | FILE NUMBER (b)(3)(b)(6) |
| 5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6) | 6. SSN (b)(3)(b)(6) | 7. GRADE/STATUS E-3 PFC | |

8. ORGANIZATION OR ADDRESS
118th MP CO. (ABN)

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

On 07 Jan 2007, at approximately 0700, second squad consisting of SSG (b)(3)(b)(6) PFC (b)(3)(b)(6), (b)(3)(b)(6), truck number 1 (b)(3)(b)(6) and PFC Barnett, PFC (b)(3)(b)(6) truck number 12, PFC (b)(3)(b)(6) PFC (b)(3)(b)(6) truck number 12A, also PFC (b)(3)(b)(6) and myself (b)(3)(b)(6) were in truck 113 assigned at IP station BC 9079 (Al Bah Muadan). We were intending to conduct a joint patrol with the IP's but the

Illegible

10. How many rounds did you fire the third time with your M4?
28 rounds

| | | |
|-------------|---|----------------|
| 11. EXHIBIT | 12. PERSON MAKING STATEMENT (b)(3)(b)(6) | PAGE 1 OF 2 PA |
|-------------|---|----------------|

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

STATEMENT OF

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

TAKEN AT

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

DATED

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

01/07

STATEMENT (Continued)

Q. What was the outcome of the driver?

A. KIA - IPS transported body to unknown location (b)(3)(b)(6)

Q. Did you see - seen later in your EOF procedures?

A. No due to the fact it was daytime

Illegible

AFFIDAVIT

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

HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. MY STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE OF 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)

ing Statement

WITNESSES

Subscribed and sworn to before me, a person authorized by law to

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

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

ART 136 (b)(4) WCM
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES

Pages 37 through 43 redacted for the following reasons:

Non Responsive

CHANGE TO EOE PROCEDURES

(b)(2)High

| | LAST NAME | FIRST NAME | RANK | STATUS |
|-----|--------------|------------|------|--------------|
| 1 | | | PFC | |
| 2 | | | PFC | |
| 3 | | | PFC | |
| 4 | | | PFC | |
| 5 | | | SGT | |
| 6 | | | PFC | |
| 7 | | | PFC | |
| 8 | | | SGT | |
| 9 | | | SGT | |
| X10 | | | PFC | |
| 11 | | | PFC | |
| 12 | | | SSG | |
| X13 | | | SSG | |
| X14 | | | SSG | |
| 15 | | | PFC | |
| 16 | | | PFC | |
| 17 | | | SPC | |
| 18 | | | SGT | |
| 19 | | | SSG | |
| 20 | | | SPC | |
| 21 | (b)(3)(b)(6) | | SGT | (b)(3)(b)(6) |
| 22 | | | PFC | |
| 23 | | | PFC | |
| 24 | | | SGT | |
| 25 | | | PFC | |
| 26 | | | SGT | |
| 27 | | | SGT | |
| 28 | | | PFC | |
| 29 | | | PFC | |
| 30 | | | PFC | |
| 31 | | | SGT | |
| 32 | | | CPI | |
| 33 | | | PFC | |
| 34 | | | PFC | |
| 35 | | | PFC | |
| 36 | | | 2LT | |
| 37 | | | PFC | |
| 38 | | | PFC | |
| 39 | | | PFC | |
| 40 | | | PFC | |
| 41 | | | PFC | |
| 42 | | | | |
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| 50 | | | | |

Pages 47 through 58 redacted for the following reasons:

Illegible

Non Responsive

Privacy Act Statement
(5 U.S.C. 522a)

EOF, 7 January 2007, SIGACT #1130

14 Jan 07

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

267

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

Page 60 redacted for the following reason:

Illegible

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

TAKEN AT 100's

DATE: 14 Jan 67

STATEMENT (Continued)

to the following effect: (as submitted) by members of the local community in regards to this incident:

The IPs may not have been happy about it - but my platform is in charge of the traffic stations in this area rather than patrol stations so I don't work closely with that commander and do not have that information.

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

to the following effect: (as submitted) by the IPs involved in the situation in which it was handled by:

The IPs at that station came under fire a lot being in the actual area so I imagine that they were used to encountering similar situations locally.

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

to the following effect: (as submitted) by those who prevent the situation that occurred from happening:

I think that a vehicle approaching at that rate of speed, and not stopping after warning shots were fired demonstrated signs of a possible - VBIED - which we thought it was. If an individual uses and demonstration of force and exhausted the only proper recourse is to defend one's life with deadly force. So, no, I don't think it could have been prevented.

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

AFFIDAVIT

I, 2LT (b)(3)(b)(6) HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1 AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE,

(b)(3)(b)(6)
Signature of Person Making Statement

ATTESTED:

Notary Public

Subscribed and sworn to before me, a Notary Public, on this 14 day of Jan 1967 at 100

(b)(3)(b)(6)
Notary Public

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

(b)(3)(b)(6)
Not 136 B.Y.
Authority To Administer Oaths

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: 103 Ristamivah
2. DATE (YYYYMMDD): 20070429
(b)(3)(b)(6)
FILE NUMBER: 1140

5. LAST NAME, FIRST NAME, MIDDLE NAME: (b)(3)(b)(6)
6. SSN: (b)(3)(b)(6)
7. GRADE/STATUS: 21121

8. ORGANIZATION OR ADDRESS: 118th Military Police Company

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

Q: Since Vehicle 113 was unable to see to its 3 o'clock due to the canopy netting on the turret, why did you not radio them to let them know the taxi was approaching their position?
A: There wasn't a lot of time to respond, so we acted quickly by responding ourselves. I was expecting the other truck to react (IA), so when it didn't I was surprised and reacted as fast as possible. In retrospect, calling at the same time as reacting would have been a good additional action. KLS

Q: The taxi was not engaged until it passed the position of vehicle 113. If it had been a VBIED, it could have detonated next to vehicle 113 prior to the driver being killed. Why did you believe the taxi to still be a threat after had already passed 113 and entered your perimeter?
A: Any vehicle behaving erratically sends up a flag in my mind as to why. Most of the time the only way to catch one before it detonated is to look for unusual behavior such as not responding to EOF procedures, like the taxi in this case. VBIEDs and their targets are not always predictable, sometimes they are going for CF, sometimes FA/FP, and sometimes its civilians. I can't try to explain the vehicle's behavior when a vehicle is speeding directly at my position, I must assume the worst. I am trusted with the lives of my soldiers, and I took the action I thought was needed to protect them and my own in self defense. KLS

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

ADDITIONAL PAGES MUST CONTAIN THE HEADING: (b)(3)(b)(6) NAT DATED 1140 20070429
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED

STATEMENT OF

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

TAKEN AT

1140

DATED

2007 01 29

STATEMENT (Continued)

10. Was the taxi moving at a faster rate or speed than other vehicles that typically enter the traffic circle? Is it possible to enter into the traffic circle without causing a vehicle to stop?

Since all other traffic was stopped, any movement was more than average. The vehicle was approaching at a fast rate of speed, I'm not sure exactly how fast. I don't know what speed the traffic circle is rated for.

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

11. Why is your name not present on the sign in roster for the ROE training that 1st Platoon, 118th MP Co conducted on 20-21 September?

We have conducted a number of ROE classes, and I have instructed my squads and squad leaders on ROE a number of times. Either I forgot to sign, or I was not present at that iteration but I have been present for and instructed ROE classes myself.

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

12. Why did you not dismount to check on the condition of, or render first aid to, the driver of the taxi that was engaged?

Because the IA and IP were on scene while we were still assessing the damage and the situation. Almost immediately after the crash (within 3-5 minutes) the IA/IP took control of the accident scene and removed the W from the vehicle to another location (the hospital).

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

/// END OF STATEMENT ///
New info follows

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

I, (b)(3)(b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 1. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

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

EDWARD, WITHOUT

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 29 day of 2007 January

at 1140

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

Privacy Act Statement
(5 U.S.C. 522a)

2008-01-14 10:11:00 AM

2008-01-14 10:11:00 AM

EOF, 7 January 2007, SIGACT #1130

20070114

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

PFC

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

Pages 65 through 70 redacted for the following reasons:

Illegible

STATEMENT OF

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

TAKEN AT

1230

DATED

29 January 1997

B. STATEMENT (Continued)

Q. Why did you fire the entire magazine (28 rounds) of your M4 into the taxi?

A. I fired the entire magazine into the taxi because I wanted to save my life and also for all the other soldiers in trucks and I wanted to ensure the occupant was dead so he was unable to exit the vehicle.

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

----- End of Statement -----

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

AFFIDAVIT

I, (b)(3)(b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE _____. 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,

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

(Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 29 day of January, 1997 at 1230

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 7 OF 7 PAGES

Privacy Act Statement
(5 U.S.C. 522a)

ATTENTION: This document contains information that is exempt from public release under the Freedom of Information Act, 5 U.S.C. 552.

This document contains information that is exempt from public release under the Freedom of Information Act, 5 U.S.C. 552.

EOF, 7 January 2007, SIGACT # 1130

CONFIDENTIAL

29 Jan 07

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

596

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

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 FOB Kustamivah | 2. DATE (YYYYMMDD) 2006 01 29 | 3. TIME 0650Z | 4. FILE NUMBER (b)(3)(b)(6) |
| 5. LAST NAME, FIRST NAME, MIDDLE NAME (b)(3)(b)(6) | 6. SSN (b)(3)(b)(6) | 7. GRADE/STATUS Pvt SSG | |
| 8. ORGANIZATION OR ADDRESS 118th Military Police Company | | | |

(b)(3)(b)(6) WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH.

Q: Why did you not see the taxi approaching your position since it was traveling toward the right side of your vehicle and you were sitting in the TC seat?

A: I did not see the taxi moving toward my vehicle because I was in the process of repositioning my vehicle. I was looking at the position of 2 of my other trucks trying to tie in for better security. The taxi came into the situation before I had my vehicle explained. Also the top of the TC window is below my eye level. I have to bend my head down to look out the window. // End of Statement // (b)(3)(b)(6)

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

| | | |
|-------------|---|-------------------|
| 10. EXHIBIT | 11. INITIALS OF PERSON MAKING STATEMENT (b)(3)(b)(6) | PAGE 1 OF 2 PAGES |
|-------------|---|-------------------|

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

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

STATEMENT OF

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

TAKEN AT

FOB Rasmussen DATED 2006 01 29 07

9. STATEMENT (Continued)

Not Used

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

AFFIDAVIT

I, (b)(3)(b)(6), HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

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

(Signature of Person Making Statement)

WITNESSES.

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 29 day of January, 2006 at FOB Rasmussen

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

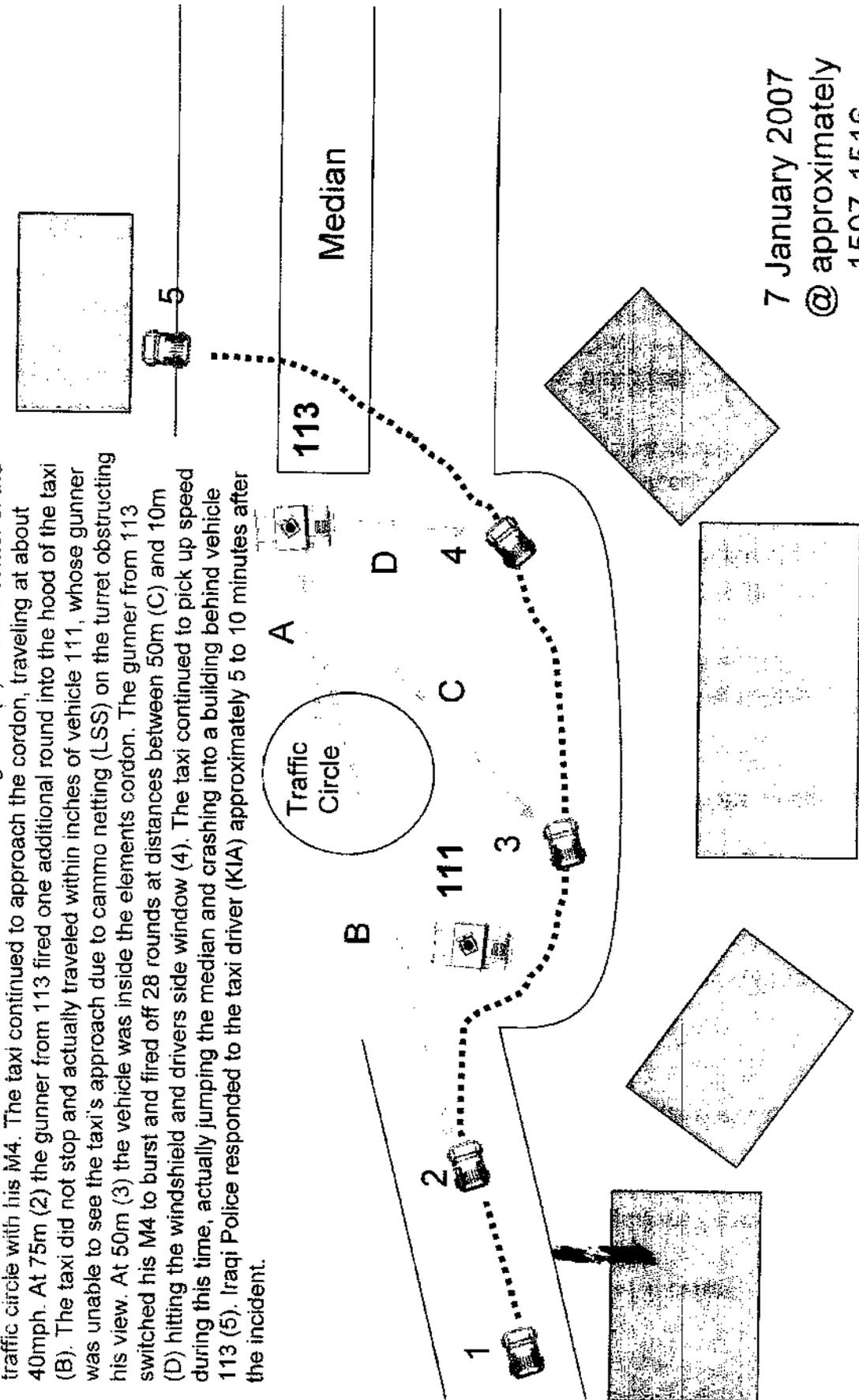
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

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

PAGE 2 OF 2 PAGES

EOF Sequence of Events: During a brief lull in fire between CF and AIF, the taxi came into the view of vehicle 113 at about 200-250m away (1) traveling towards the cordon. Gunner of vehicle 113 began using EOF procedures by waving at the taxi and yelling. At approximately 100m (2) the gunner of 113 fired one warning shot (A) into the center of the traffic circle with his M4. The taxi continued to approach the cordon, traveling at about 40mph. At 75m (2) the gunner from 113 fired one additional round into the hood of the taxi (B). The taxi did not stop and actually traveled within inches of vehicle 111, whose gunner was unable to see the taxi's approach due to cammo netting (LSS) on the turret obstructing his view. At 50m (3) the vehicle was inside the elements cordon. The gunner from 113 switched his M4 to burst and fired off 28 rounds at distances between 50m (C) and 10m (D) hitting the windshield and drivers side window (4). The taxi continued to pick up speed during this time, actually jumping the median and crashing into a building behind vehicle 113 (5). Iraqi Police responded to the taxi driver (KIA) approximately 5 to 10 minutes after the incident.



7 January 2007
 @ approximately
 1507-1516