

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



ROUTING SHEET DATE ACTION INITIATED 06-163 EOF, Article 15-6 Investigation - Signed Action ORIGINATOR / ACTION OFFICE SYMBOL TELEPHONE SUSPENSE **OFFICER** STRIKE LEGAL AFZB-KB-JA 242-4342 ROUTING OFFICE COMMENTS INITIALS DATE **BRIGADE S1 BRIGADE S2 BRIGADE S3 BRIGADE S4 BRIGADE S6 (SIGO)** BRIGADE CHAPLAIN **BRIGADE SURGEON BRIGADE SJA BRIGADE CSM BRIGADE XO DEPUTY COMMANDER** 12.34 **BRIGADE COMMANDER** IMPACT PERSONNEL **FUNDS** TIME TRAINING SUPPLIES OTHER SUMMARY

2d BCT, 101st Airborne Division (AASLT)

SECTION VI - AUTHEN	NTICATION (para 3-17, AR 15-6)
THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURA' below, indicate the reason in the space where his signature should appear	TE. Af any voling member or the recorder fails to simply or in Suction VII
(Recorder)	unvestigating Officer) (President)
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(Member)	(Member)
(Member)	(Member)
	V REPORT (gara 3-13, AR 15-6) es) not concur in the findings and recommendations of the board.
n the inclosure, identify by number each fluding unafor recommundation easons for disagreement. Additional/substitute findings and/or recommen	n in which the dissenting member(s) do(as) not concur. State the ndations may be included in the inclosure.)
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(Member)	(Member)
SECTION VIII - ACTION BY APPOI	INTING AUTHOBITY (parp 2-3, AR 15-6)
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take action as he deems appropriate.	tions and remand to the Brigade Commander to
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THOMAS WAYA ETEXY	
THOMAS MAFFEY	
Brigadier General, US Army	
Assistant Division Commander (Maneuve	er)

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DEPARTMENT OF THE ARMY

HEADQUARTERS, 1st SQUADRON, 75th CAVALRY REGIMENT 2ND BRIGADE COMBAT TEAM
101ST AIRBORNE DIVISION (AIR ASSAULT)
CAMP STRYKER, IRAQ
APO AE 09398



REPLY TO ATTENTION OF

1. Summary of Events:

AFZB-KB-J-CDR

27 May 2006

MEMORANDUM FOR COMMANDER 1-75

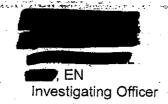
SUBJECT: Findings and Recommendations for Investigation #06-163

a. At 171925MAY06, Alpha section 1/A/1-75 observed a cargo truck approximately 200 meters from their mounted observation point in the south bound lane of at Grid in vicinity of the approaching vehicle showed no indication of changing lanes or slowing down as it approached the OP at a high rate of speed in the position of gunner for the closest vehicle displayed proper EOF procedures by utilizing sirens, lights, and hand/arm signals in an attempt to stop the vehicle.
b. At 171925MAY06, the fired 2x rounds of 5.56mm into the median of as warning shots. The truck passed through the traffic cones established by 1/A/1-75 approximately 100 meters from their TCP and proceeded toward their position, displaying no signs of slowing. The fired 2x rounds 5.56mm into the engine block in an attempt to disable the vehicle.
c. At 171926MAY06, the utilized deadly force and fired 2x rounds 5.56mm into the windshield. The driver was struck in the chest with 1x round. The truck came to a halt, the driver exited and fell to his knees on the MSR. He attempted to stand and then collapsed.
d. At 171927MAY06, and and exist exited their vehicle to approach the LN and administer immediate first aid and resuscitation techniques. At 171931MAY06, arrives on the scene and pronounced the LN dead.
e. At 171935MAY06, searched the vehicle and found 2 cases of beer, 1 case of gin, and 2 empty gin bottles in the cab of the truck next to the drivers' seat.

2. Findings:

- a. The key elements to this are the alcohol possessed by the local national and the empty bottles signifying that the local national was intoxicated at the time of the incident. After three years of presence in Iraq, it is unlikely that the local national was completely unaware of the proper movement of a civilian vehicle upon approaching a military check point. In an intoxicated state, the local national was unable to comprehend the extensive danger of driving through a TCP without following proper procedure.
- b. Rules of Engagement: followed the rules of engagement properly. The patrols use of traffic cones established a solid line that the local nationals understand as a boundary for traffic control. responded properly to the vehicle not slowing down

	AFZB_KB_J_CDR SUBJECT: Findings and Recommendations for Investigation #06-163
	by using hand/arm signals, and a siren to stop the vehicle. After the vehicle showed no signs of stopping before the cones, turned towards his weapon for warning shots into the median, fired shots to disable the vehicle, and then used his M4 for deadly force to eliminate the threat to him and the rest of the Soldiers at the mounted observation post. After engaging the vehicle, and the section performed every action possible to help the local national.
	3. Recommendations:
	a. After reviewing the facts of this case, I recommend that no further action be taken against any of the soldiers involved in the incident. If followed orders to perform the proper steps of an EOF according to the ROE in theatre. If and properly administered first aid on the local national and properly searched the vehicle for other threats after pronouncing the LN dead.
	b. The leadership of 1st Platoon should continue to review platoon SOP, ensuring that ROE and EOF standards are reviewed before every mission. Briefing of the SOP should ensure that all members of the platoon are as prepared as to react to an escalation of force incident.
	4. Chronology of Investigation
	180930MAY06 appointment as Investigating Officer 181130MAY06 Conducted initial Interview with 190900MAY06 Received sworn statements from 190930MAY06 Conducted interviews with 190930MAY06 Conducted interviews with 190930MAY06 Completed Report and findings memorandum
į	5. The point of contact is a second of the conta



2 BCT 2-101 BTB SJA

From: Sent:

4ID SJA Operational Law NCO

Monday, June 12, 2006 1:33 PM

To:

2 BCT 2-101 BTB SJA

Subject:

[C] FW: EOF 9 MAY 2-101 #163 signed

Attachments:

Document.pdf

army.smii.mil]



Document.pdf (684

Classification: CONFIDENTIAL//FOR OFFICIAL USE ONLY

----Original Message----

From: [mailto:

smil.mil]

Sent: Monday, June 12, 2006 11:18 AM

4ID SJA Operational Law NCO

Subject: EOF 9 MAY 2-101 #163 signed

Classification: CONFIDENTIAL//FOR OFFICIAL USE ONLY

JECTION VI - AUTHENTIC	CATION (para 3-17, AR 15-6)
THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE below, indicate the reason in the space where his signature should appear	l. (If any voting member or the recorder fails to sign here or in Section VII .)

6

(Recorder)	(investigating Officer) (President)
(Member)	(Member)
(Member)	(Member)

SECTION VII - MINGRITY 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)

(Memher)

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

The findings and recommendations of the (finvestigating officer) (board) are (unproved) (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.)

I CONCUR MITH THE INVESTIGATING PREMER'S FINDINGS AND
RECOMMENDATIONS. THE SOLDIERS MUSICED TOOK ENFORCE
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CHUINAN UFE. WE WIN CONTINUE TO RE-INFORCE
THIS VESSON AS AN EXAMPLE OF PROPER ENRARGE
MENT OF ROE.

I approve the Findings and Recommendations and remand to the Brigade Commander to take action as he deems appropriate.

THOMAS MAFFEY

Brigadier General, US Army

Assistant Division Commander (Maneuver)

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2D BRIGADE & 502D INF RGT



	101ST		RNE DIVISION T ING SHEET	(AASLT)		enge.
<i>suвјест</i> 06-163 Article 15-6 I	nvestigation -	- EOF De	ath of LN	1	7 May 2006	
ORIGINATOR / ACTION OFFICER	OFFICE	SYMBOL	TELEPHONE	SU	ISPENSE	
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OFFICE		·	COMMENTS		INITIALS	DATE
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BRIGADE S2						
BRIGADE S3				· · · · · · · · · · · · · · · · · · ·		
BRIGADE S4				·		
BRIGADE S6 (SIGO)						
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BRIGADE SURGEON						
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2d BCT, 101st Airborne Division (AASLT)

REPLY TO ATTENTION OF

DEPARTMENT OF THE ARM

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



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 #06-163, Escalation of Force Resulting in Death of Local National Findings and Recommendations

The undersigned has review conducted by I ratify and appropriately	and ove the findings and r	approved by	
2. Commander's Comments: (1) אף ואיינא.			
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DEPARTMENT OF THE ARMY

HEADQUARTERS, 2D BRIGADE & 502D INFANTRY REGIMENT 101ST AIRBORNE DIVISION (AIR ASSAULT) CAMP STRIKER, IRAQ APO AE 09398



AFZB-KB-JA

S: 20 May 2006

17 May 2006

MEMORANDUM FOR Calvary Regiment, 101st Airborne Division (Air Assault), Camp Striker, Iraq APO AE 09398

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SUBJECT: Appointment as Investigating Officer, Investigation #06-163

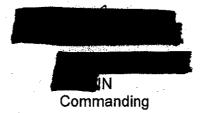
- 1. You are hereby appointed an investigating officer, pursuant to AR 15-6, to investigate the alleged Escalation of Force resulting in the death of a local national involving E Company, 1-22 on or about 17 May 2006. You are to make specific findings and recommendations concerning the causes of the incident. Until the investigation is completed, this will be your primary duty responsibility.
- 2. Your investigations and findings will include, but not be limited to the following:
 - 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 type of weapon(s) involved in the incident.
 - d. The soldier's mission at the time of the incident.
- e. The existence, training and type of risk assessment and safety measures taken prior to the incident.
- f. Additionally, if negligence is found, analyze what steps could be taken in the future to avoid it.
 - g. Any other matters you deem relevant.
- 3. You will use informal procedures under AR 15-6, Chapter 4. If, during your investigation, you suspect that persons you intend to interview may have violated any provision of the Uniform Code of Military Justice (UCMJ) or any other criminal law, you must advise them of their rights under the UCMJ, Article 31 as documented on DA Form 3881. Witness statements should be sworn and recorded on DA Form 2823.
- 4. Prepare the report of proceedings on DA Form 1574 and submit the original to me by the above suspense. You will also complete a storyboard documenting the incident to be attached to the report of proceedings. You must submit any requests for delay to me in

AFZB-KB-JA

SUBJECT: Appointment as 15-6 Investigating Officer, Investigation #06-163

writing. Include with your report all documentary evidence, sworn statements, and other information or evidence you considered.

- 5. Before proceeding with the investigation you must contact the Brigade Annex for an initial legal briefing. She will serve as your primary legal advisor and can be reached at VOIP 242-4342.
- 6. By virtue of your appointment, you may direct the assistance of personnel with special technical knowledge to assist or advise you during your investigation. Requests should be coordinated through your legal advisor.
- 7. If during the course of your investigation you discover systemic training deficiencies that potentially caused or contributed to the incident under investigation, you will immediately contact your legal advisor for further guidance.







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 (Appointing authority) 17 MAY 2006 (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 CAMP STRIKER, IRAO 0900 (Place) 17 MAY 2006 _ (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 1300 (Time) 1300 and completed findings and recommendations at 24 MAY 06 (Time) SECTION III - CHECKLIST FOR PROCEEDINGS A. COMPLETE IN ALL CASES YES NO NA2 Inclosures (para 3-15, AR 15-6) Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed) a. The letter of appointment or a summary of oral appointment data? b. Copy of notice to respondent, if any? (See item 9, below) c. Other correspondence with respondent or counsel, if any? d. All other written communications to or from the appointing authority? e. Privacy Act Statements (Certificate, if statement provided orally)? f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)? g. Information as to sessions of a formal board not included on page 1 of this report? h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board? 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.

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)?	_				
this and attached to this report? B. Is an interface of complete of all arbibits of the control of all arbibits of the control of all arbibits of filter of to considered by investigating efficies or board annable before the first exhibit? C. Are capter, descriptions, or despicious, if authorizing for not or decumentary evidence to writing and annable as a children of the regime of the control indicated? E. Are descriptions or diagrams included an articular and interest of the control interest properly authorized and it is the board on the regime of writing and marks as a metallish and its read on institution either reduced to writing and marks as an articular and an exhibit of covered in a virolitary incord? F. It official action of any marks was alien over the objection of a respondent or counsel, is a statement of the marks of within the control form a virolitary and marks as a children (prior a) 4.64, All 15-6)? B. COMPLETE ONLY PER PORT PORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)? B. COMPLETE ONLY PER PORT PORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)? Was an absence of any amounts properly accussed (prior \$2.50, AR 15-6)? Was each absence of any amounts properly accussed (prior \$2.50, AR 15-6)? Was each absence of any amounts properly accussed (prior \$2.50, AR 15-6)? Was each absence of any amounts properly accussed (prior \$2.50, AR 15-6)? If you premisses or distribution is an accussion of the board (prior \$2.50, AR 15-6)? Notes to respondents (prior \$5.50, AR 15-6)? Notes to respondents (prior \$5.50, AR 15-6)? O. COMPLETE ONLY IF ARRONDENT WAS DESERONATED (Section 11, Chapter \$5.48, AR 15-6)? O. Is the mathed and their of every to the respondent indicated on each latter of multidication? D. Was the dates of delivery at least five working days prior to the first resistion of the board of the board? D. Description of the date, hour, and place of the first resistion of the board occurrently to examine them? If any respondent of which the proposed prior of the first resistion of the board	2		YE	SNO) I/I NIA
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d. An explose, descriptions, or depictions of the substituted for read or documentum evidence) properly authenticated and is the beaten of the contains evidence intensed?		c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as		─-{	
E. Arc descriptions or disgrams included of locations visited by the investigating efficies or located (pare 3-6, AR 15-6)?		d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence), properly authenticated and is			-
For the selection and action attached as an exhibit and is each oral aspellation eithbut recorded in a verbalan record?				L	
schiblt or recorded in a verbatim record? A Hofficial notice may make the was laken over the objection of a respondent or counsel, is a statement of fine matter of which official notice was taken attached as in exhibit (para 3-16d, AR 15-6)? Was a quorun present when the novel words of indings and recommendations (para 4-1 and 5-2b, AR 13-6)? A At the statish resolo, the novel was a considerable of the proceedings and recommendations from the statish of the proceedings of the statish of the proceedings of the proceedings of the statish of the proceedings of the proceedings of the proceedings of the proceedings of the proceedings? Was a quorun present when the property excused (para 5-2b, AR 15-6)? Was a nature, vincesses, reprove and interpreter wors, if required (para 3-1, AR 15-6)? Were numbers, vincesses, reprove and interpreter wors, if required (para 3-1, AR 15-6)? Were numbers, vincesses, reprove the similarized themselves with that evidence (para 5-2d, AR 15-6)? B If any members who word on findings or recommendations were not present when the board received some evidence, does the thorous describe thorous from similarized themselves with that evidence (para 5-2d, AR 15-6)? B Notice or respondents (para 5-5, AR 15-6)? A Note that of advisery at teach five wording (apa yellor or the first session of the board? Dees each letter of notification indicate. (i) the date, hour, and place of the first session of the board? Dees each letter of notification indicate. (ii) the date, hour, and place of the first session of the board? Dees each letter of notification, indicate, and the session of the board of the place of the proceedings? Was the property of the proceedings? (ii) the date, hour, and place of the first session of the board vinces session of the board? (iii) the date, hour, and place of the first session of the board winness expected to be called by the recorder? (iv) the respondent is presented by counsel? If any respondent provided a copy of all unlacability departs of the proceed	l	f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an	-		\bot
West neutron present when the Search voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?	ļ	exhibit or recorded in a verbatim record?	×		
B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)? At the initial season, did the recorder read, or determine that all participants had rend, the letter of appointment (parm 5-3b, AR 15-6)? Were mambers, witnesses, reporter, and interpreter sworn, if required para 3-7, AR 15-6)? Were mambers, witnesses, reporter, and interpreter sworn, if required para 3-7, AR 15-6)? Read of the para 3-7, AR 15-6)? Were mambers, witnesses, reporter, and interpreter sworn, if required para 3-7, AR 15-6)? Read of the para 3-7, AR 15-6)? Notes to respondents gourn 3-8, AR 15-6)? P. Notes to respondents gourn 3-8, AR 15-6). B. West the date of delivery to the respondent indicate on each latter of notification? C. Does each letter of notification indicate — (1) the date, hour, and place of the first seesion of the board concerning that respondent? C. The state, locally and the state of the board of the board concerning that respondent; if any? (3) the respondent's rights with regard to counsel? (4) the annual and address of each witness expondent to the local witnessers? (5) the respondent goverded cache witnessers proported to be called by the recorder? (5) the respondent goverded cache witnessers proported to be called by the recorder? (6) the same and address of each witnessers proported to be called by the recorder? (7) the respondent goverded cache witnessers proported to be called by the recorder? (8) Was the respondent goverded as do copy of all unclassified documents in the case fille? a. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them? D. Hang respondent was designated after the proceedings began for otherwise was absent during part of the proceedings? a. Was the recognition of the proceedings began for otherwise was absent during part of the proceedings? D. Was each r		of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?	×		
3. NOMPLEST BUNCH POR PORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)? 4 Arthe Initial season, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-1b, AR 15-6)? 5 Was a quorum present at every session of the board (para 5-2b, AR 15-6)? 7 Was each absence of any member properly exocused (para 5-2b, AR 15-6)? 8 If any members who word on findings or recommendations were not present when the board received some evidence, does in inclusive who word on findings or recommendations were not present when the board received some evidence, does in inclusive for the participant of the session of the received some evidence, does in inclusive for the participant of the participant	_	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?		+-	+
S Was a quorum present at every session of the hoard (para 5-20, AR 15-6)? Was each absence of any member properly seauced (para 5-20, AR 15-6)? Was the absence of any member properly seauced (para 5-20, AR 15-6)? Ref ary members who voted on findings or recommendations were not present when the hoard received some evidence, does the inclosure describe how they familiarized themselves with that evidence (para 5-14, AR 15-6)? C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6). P. Note to respondents (para 5-2, AR 15-6): a. Is the method and data of delivery to the respondent indicated on each letter of notification? b. Was the date of followy at least five working days prior to the first session of the board 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 to be present, present evidence, and call virtnesses? 4. Was the respondent provided a cony of all undisated documents in the case the? (4) the man and address of each winness sepaced to be called by the recorder? (5) the respondent sights to be present, present evidence, and call virtnesses? 4. Was the respondent provided act oncy of all undisated documents in the case the? (a. Was be properly motified (para 5-5, AR 15-6): a. Was the properly motified (para 5-5, AR 15-6): a. Was the propendent provided and oncy of all undisated documents in the case the? (b. There were relevant classified materials, were the respondent and his counsel given ancess and an opportunity to examine them? (b. Hary respondent was designated after the proceedings began for otherwise was desired during part of the proceedings): a. Was the propending provided and without the propending the legal and the proceedings of the board relating to that respondent? b. Was read on it included in the report (para 5-6, AR	В	COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)			
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H any members, winesses, reporter, and interpreter sovern. If required (para 3-1, AR 15-6)?	_	Was a quorum present at every session of the board (para 5-2b, AR 15-6)?		+-	-
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Goss the inclosure describe how they familiarized themselves with that evidence (para 5-24, AR 15-6)?		Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?		1	1
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	SECTION V - RECOMMENDA	TIONS (para 3-11, AR 15-6)		
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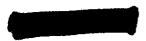
SECTION VI - AUTHENTICATION (THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If and the low indicate the reason in the space where his size.)	(para 3-17, AR 15-6)
be low, indicate the reason in the space where his signature should appear.)	ty voting member of the recorder faits to sign here of in section VII
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SECTION VII - MINORITY REPORT ((para 3-13, AR 15-6)
To the extent indicated in Inclosure the undersigned do(es) not con-	neur in the findings and recommendations of the board
(In the inclosure, identify by number each finding and/or recommendation in which reasons for disagreement. Additional/substitute findings and/or recommendations n	t the dissenting member(s) do(es) not concur. State the nay be included in the inclosure.)
(Member)	(Member)
SECTION VIII. ACTION BY APPOINTING AUTION BY A	HORITY (para 2-3, AR 15-6)
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DEPARTMENT OF THE ARMY HEADQUARTERS, 1st SQUADRON, 75th CAVALRY REGIMENT 2ND BRIGADE COMBAT TEAM 101ST AIRBORNE DIVISION (AIR ASSAULT) CAMP STRYKER, IRAQ APO AE 09398



REPLY TO ATTENTION OF



27 May 2006

MEMORANDUM FOR COMMANDER 1-75

SUBJECT: Findings and Recommendations for Investigation #06-163

1. Summary of Events:

- a. At 171925MAY06, Alpha section 1/A/1-75 observed a cargo truck approximately 200 meters from their mounted observation point in the south bound lane of at Grid at Grid, in vicinity of the control of the approaching vehicle showed no indication of changing lanes or slowing down as it approached the OP at a high rate of speed. SGT in the position of gunner for the closest vehicle displayed proper EOF procedures by utilizing sirens, lights, and hand/arm signals in an attempt to stop the vehicle.
- b. At 171925MAY06, SGT and fired 2x rounds of 5.56mm into the median of as warning shots. The truck passed through the traffic cones established by 1/A/1-75 approximately 100 meters from their TCP and proceeded toward their position, displaying no signs of slowing. SGT the truck passed through the proceeded toward their position, displaying no signs of slowing. SGT the truck passed through the fired 2x rounds 5.56mm into the engine block in an attempt to disable the vehicle.
- c. At 171926MAY06, SGT at a struct utilized deadly force and fired 2x rounds 5.56mm into the windshield. The driver was struck in the chest with 1x round. The truck came to a halt, the driver exited and fell to his knees on the MSR. He attempted to stand and then collapsed.
- d. At 171927MAY06, SGT and PFO existed their vehicle to approach the LN and administer immediate first aid and resuscitation techniques. At 171931MAY06, SSG arrives on the scene and pronounced the LN dead.
- e. At 171935MAY06, SSG searched the vehicle and found 2 cases of beer, 1 case of gin, and 2 empty gin bottles in the cab of the truck next to the drivers' seat.

2. Findings:

- a. The key elements to this are the alcohol possessed by the local national and the empty bottles signifying that the local national was intoxicated at the time of the incident. After three years of presence in Iraq, it is unlikely that the local national was completely unaware of the proper movement of a civilian vehicle upon approaching a military check point. In an intoxicated state, the local national was unable to comprehend the extensive danger of driving through a TCP without following proper procedure.
- b. Rules of Engagement: SGT followed the rules of engagement properly. The patrols use of traffic cones established a solid line that the local nationals understand as a boundary for traffic control. SGT responded properly to the vehicle not slowing down

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SUBJECT: Findings and Recommendations for Investigation #06-163

by using hand/arm signals, and a siren to stop the vehicle. After the vehicle showed no signs of stopping before the cones, SGT structured towards his weapon for warning shots into the median, fired shots to disable the vehicle, and then used his M4 for deadly force to eliminate the threat to him and the rest of the Soldiers at the mounted observation post. After engaging the vehicle, SGT structure quick reaction to perform first aid shows that the section performed every action possible to help the local national.

3. Recommendations:

- a. After reviewing the facts of this case, I recommend that no further action be taken against any of the soldiers involved in the incident. SGT control ollowed orders to perform the proper steps of an EOF according to the ROE in theatre. SGT control properly administered first aid on the local national and SSG control of the vehicle for other threats after pronouncing the LN dead.
- b. The leadership of 1st Platoon should continue to review platoon SOP, ensuring that ROE and EOF standards are reviewed before every mission. Briefing of the SOP should ensure that all members of the platoon are as prepared as SGT and to react to an escalation of force incident.

4. Chronology of Investigation

180930MAY06 2LT approintment as Investigating Officer
181130MAY06 Conducted initial interview with SSG
190900MAY06 Received sworn statements from SGT and SSG and SGT
190930MAY06 Conducted interviews with SGT and SGT
201200MAY06 Completed Report and findings memorandum

5. The point of contact is



Investigating Officer

<u>LIST OF EXHIBITS</u> Investigation #06-163 (escalation of force)

TAB	EXHIBIT
A	Story Board
В	DA 2823
C	DA 2823
D	DA 2823
E	SIR

EXHIBIT A

EXHIBIT B

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11			, WANT TO WAKE T	HE FOLLOWING STA	TEMENT UNDER OA	.I H:
imbled to the grougan to administer some minute later mes on them. We	ounds into the engine bloom. I moved my truck up first aid. The LN was suff. My dismount team perfoalso found 2 cases of been	to the LN and ass ering from a suck ermed a search of c, one case of gin	essed his condition ing chest wound a the LN's truck and	n. Upon seeing his v nd died three minut I found two differen ttles of gin in the fro	wounds estater.	and myse
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STATEMENT OF	TAKEN AT COMP STRIKER	DATED 18 May OF	
9. STATEMENT (Continued)			
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	AFFIDAVIT	DEAD TO ME TUDO OTATEMENT	1. 1111.
-WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CO	LEY-UNDERSTAND THE CONTENTS	OF THE WHITE CAATEMENTS AND THE	ar Karatana
CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMITHREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAW	ENT FREELY WITHOUT HOPE OF B	ENEFIT OR REWARD WITHOUT	1
	OL III CO		
	(Signature of)	Person making statements	
WITNESSES:	Subscribed and sworn to bef	ore me, a person authorized by law to	
A CONTRACT OF THE STATE OF THE	administer oaths, this	day of <u>////</u> , 2606	
	at CAMP STRIK	60	6
ATTP 1/75 CAV 15 PLF ORGANIZATION OR ADDRESS	(Signature of P	erson Aummissering Oath)	
	(Olgitature of 1	orson Administrating Cam)	
	(Typed Name or	Person Administery (Oath)	
ORGANIZATION OR ADDRESS		USA	
	(Autnority	To Administer Oaths)	
IITIALS OF PERSON MAKING STATEMENT		PAGE 2 OF 2 PAGES	1
AGE 3, DA FORM 2823, DEC 1998	13161	USAPA V1.00	1

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 To provide commanders and law enforcement officials with means by which information may be accurately identified. ROUTINE USES: Vour 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 STILLO I Tag, 2. DATE (YYYYMMDD) 3. TIME 4. FILE NUMBER 2006 0518 2200
5. LAST NAME, FIRST NAME, MIDDLE NAME 6. SSN 7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS AISP 1/75 (AV 1015 + ABN DIV
ATT P 1/75 (AV 10/34 ABN DIV
On Wed. 17 May OG @ approx. 1930, Na Local National was
wounded is y or member of any continue
these are the tacts:
We were established in our mounted op in the South bound lane of
100 mts south of the overpass and my wingman 100 mts to the North. Additionally, our safety comes were placed 150 mts to the Front of each vehicle.
AT approx. 1930, 20 noticed a semi-truck
advancing toward our position. He initiated escalate
of force He used the vehicle mounted sitem initially
while simulationsly used hand and arm
signals to alert the driver. The vehicle cont.
forward. Once he crossed the "cone line"
fised two wasning shots into the
Median. After no response from the vehicle of
driver, fired to disable the truck.
0. EXHIBIT 11_INITIALS.OF.PERSON MAKING STATEMENT PAGE 1 OF Z PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER

TAKEN AT COMP STIKET DATED 16 MW 06 9. STATEMENT (Continued) filed two shots into the Front of the vehicle. The truck stopped and the occupant opened the door and fell to the glound. He stood Fot a moment, and then fell and proceeded to the vehicle to porform first Aid. I arrived about zmins after the last z shots and sow that the LN was dead. I then reported to higher. we then conducted a search of the vehicle to Find the following: 2 forms of ID with different names. Z Empty Bottles of Gin under the seat. hing Follows HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT ICH BEGINS ON RAGE 1, AND ENDS ON PAGE....Z. ... 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 (Signature of Person Making Statement) Subscribed and sworn to before me, a person authorized by law to WITNESSES administer oaths, this _/8_ day of CAMP STRIKE ATO 1-75 Cay ORGANIZATION OR ADDRESS (Typed Name of Person Administening Uar To Administer Oaths) ORGANIZATION OR ADDRESS INITIALS OF PERSON MAKING STATEMENT PAGE 2 OF 2 **PAGES**

EXHIBIT D

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 ROUTINE USES:

To provide commanders and law enforcement officials with means by which information may be accurately identified. 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

Camp Striker, TRAO

2. DATE (YYYYMMDD)

20060518

3. TIME

4. FILE NUMBER

LE CON

7. GRADE/STATUS

8. ORGÁNIZATION OR ADDRESS

A TRP 1-75 CON (BSTA) BIABN ABSET

MMH 66

, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

At approvamolely 1925 a cargo truck traveling south in the south drove past All trigger line (Traffic Cones) that were placed 150 meters from the truck. Before the Cargo Frock past the trigger line I used hand and arm signals Ro get the wehicle to stop and change lanes. Also the truck commander used the audio spren to stop the truck when the truck drove paturen the traffic cones in the middle of the road further escalation of force was utalized. I fired 2, 5.56 round into the median of the north and south bound lanes. The truck continued to move further forward and then I shot 2, 5,56 rounds into the vehicle in an attempt to disable it. 2,5,56 round strock the driver and brought the Vehicle to a hault. The driver got out of the retricle and fell to the ground. He then got back up for approximately 5 sec and fell to the ground again. Upon realizing the driver was wounded A-Il Wehicle proved forward and the driver and Te got out and ran to administer first aid to the casoalty. I notified the A-12 vohicle of the situation and they moved up to assist Apparamately 3 minutes later 556 Hill arrived at the side of the casualty and pronounced he was dead. SSG Hill, SGT Sirko, and PFC Frogner then Searched the Vehicle.

	Nothing	Foll	60	_
10. EXHIBIT			11.	11

11. INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF _2__ PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT

TAKEN AT DATED

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

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STATEMENT OF		TAKEN AT <u>Ca</u>	mp Striker	_ DATED	200605	18
. STATEMENT (Continued)	·					
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YME. THE STATEMENT IS TRUE ONTAINING THE STATEMENT. I	HAVE MADE THIS STA	TEMENT FREELY WIT	HOUT HOPE OF B	ENEFIT OR RE	OF EACH PA WARD, WATH	ÄGE OUT
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		·	(Signature of	Person Making	Statement)	
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			(Type of	Person Adminis	tenno Oamzr	
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ORGANIZATION OR ADDRESS			(Authority	To Administer (Daths)	
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MAS				PAGE]	of 2	PAGES

EXHIBIT E

SIR

From: COMMANDER 1775 CAV Thru: 2nd BCT To: 4th ID / Division Operation Center Subject: Escalation of Force resulting in the death of 1x LN 1. Category: 1 2. Type of incident: Escalation of Force; cargo truck failed to stop approaching a CF TCP when the driver was engaged with deadly force 3. DTG: A. DTG of Incident: 17 1945 MAY 06 B. DTG Unit was notified of Incident: 17 1948 MAY 06 C. DTG received by DOC: 4. Location: , IVO CP 21A one 5. Personnel involved: A. Subject: 1. Name: Rank or grade: ◀ 3. Social Security Number: 4. Race: Caucasian Sex: Male. 6. Age: 23 7. Position: Gunner 8. Security clearance: SECRET 9. Unit and station of assignment: A TRP 1-75 CAV 2nd BCT 101st ABN(AASLT) 10. Duty status. AD 11. Marital Status: Single B. Additional personnel involved: None Summary of incident: On 17 MAY 06, 1/A/1-75 carried out an Escalation of Force (EOF) resulting in death of one Local National. At 1945, the unit observed a cargo truck approaching their position in the The driver showed no indication of southbound lane of at Grid changing lanes or slowing down. The unit displayed proper EOF procedures utilizing sirens,

lights and hand/arm gestures signaling the driver to stop. When all signaling attempts failed, two

MSR as warning shots. The truck passed through the traffic cones established by 1/A/1-75 approximately 100 meters from their TCP and proceeded toward their position, displaying no signs of slowing.

The truck passed through the traffic cones established by 1/A/1-75 approximately 100 meters from their TCP and proceeded toward their position, displaying no signs of slowing.

two rounds 5.56mm into the windshield. The driver was struck in the chest with one round and stopped the vehicle. After the truck came to a halt, the driver exited and fell to his knees on the

into the median of the

utilized deadly force and fired

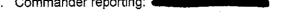
rounds 5.56mm were fired by the gunner of the lead vehicle,

disable the vehicle. The truck continued forward, so

MSR. He attempted to stand and then collapsed. Immediate first aid was administered to the Local National followed by resuscitation techniques to no avail. He was pronounced dead at 1951.

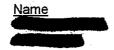
Upon further investigation of the vehicle, multiple cases of alcoholic beverages were discovered in addition to several open bottles in and around the driver's seat. 1/A/1-75 determined that the Local National driver was intoxicated at the time of the incident. The lack of reaction during the EOF is attributed to his impairment. The body and vehicle were transported to CP 22A and transferred to 2nd Co, 3/4/6 IA for over watch until the morning of 18 MAY 06 due to the fact that the Iraqi Police will not respond during hours of darkness.

- 6. Other Information:
 - A. Racial: N/A
 - B. Alcohol Involvement: None
 - C. Last Deployment to OIF/OEF: 02 APR 2004
 - D. Is Soldier on Rear "D"? No
- 7. Remarks: None
- 8. Cómmander reporting:



- 9. Point of contact: 1-75 Battle Captain, VOIP #:
- Report originated by:
- 11. Released by:
- 12. Unit Notifications: 2ND BDE

Position SQD CDR **BDE TOC**



Time

COMPLETE AND SEND SIR TO BDE SEND COPY OF SIR

B. Email: N/A

FOD / DOC NGO ONLY

Current FOD & DOC NCOIC:

FOD / DOC NCO Actions:

FOD Notifications:

A. Telephone

Position

Name

Time

B. Email

Position

Name

<u>Time</u>

Instructions