



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



SUBJECT: *06-147 / EOF - Death of LN* DATE ACTION INITIATED: *18 APR 06*

ORIGINATOR / ACTION OFFICER: **STRIKE LEGAL** OFFICE SYMBOL: **AFZB-KB-JA** TELEPHONE: **242-4342** SUSPENSE:

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

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IMPACT
 ___ PERSONNEL ___ FUNDS ___ TIME ___ TRAINING ___ SUPPLIES ___ OTHER

SUMMARY
- Unit followed proper EOF per corps/div/set guidance
- Waving of a light at night could be misconstrued to mean "Come on ground"
- Maintain/Increase IO message to Frigis on rules when they're around U.S. forces [REDACTED]

2 BCT 2-101 BTB SJA

06-147

From: [REDACTED]
Sent: Monday, June 05, 2006 12:32 AM
To: [REDACTED] 2 BCT 2-101 BTB SJA
Cc: [REDACTED] 2 BCT JAG
Subject: FW: [U] FW: EOF death of LN 2-101 17 APR

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Categories: FOR OFFICIAL USE ONLY, UNCLASSIFIED, FOR OFFICIAL USE ONLY
Attachments: Document.pdf
Classification Caveat: FOR OFFICIAL USE ONLY
Classification Classification: UNCLASSIFIED



Document.pdf (199 KB)

Classification: UNCLASSIFIED//FOR OFFICIAL USE ONLY

Strike!

[REDACTED] JA
Command Judge Advocate
2BCT, 101st ABN DIV (AASLT)

VOIP 242-4342

siper: [REDACTED]@army.smil.mil
niper: [REDACTED]@army.mil

-----Original Message-----

From: [REDACTED] 4ID SJA COAL
[mailto:[REDACTED]]
Sent: Tuesday, May 23, 2006 3:37 PM
To: [REDACTED]
Subject: [U] FW: EOF death of LN 2-101 17 APR

Classification: UNCLASSIFIED//FOR OFFICIAL USE ONLY

Signed 15-6 re: EOF and death of LN 17APR06. v/r CPT MJM

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-----Original Message-----

From: [REDACTED]@army.smil.mil]
Sent: Tuesday, May 23, 2006 8:44 AM
To: [REDACTED] 4ID SJA COAL
Subject: EOF death of LN 2-101 17 APR

Classification: UNCLASSIFIED//FOR OFFICIAL USE ONLY

Classification: UNCLASSIFIED//FOR OFFICIAL USE ONLY

SECTION VI - AUTHENTICATION (para 3-17, AR 15-6)

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)

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(Recorder)

(Investigating Officer) (President)

(Member)

(Member)

(Member)

(Member)

SECTION VII - MINORITY REPORT (para 3-19, AR 15-6)

To the extent indicated in _____, the undersigned do(es) not concur in the findings and recommendations of the board. (In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State etc.

(Member)

(Member)

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

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

- Concur with findings and recommendations
- This does underscore the need to maintain SA and understand urban terrain; the IATCP could have been part of the security half.
- Hand held devices are coming out of the cab and going into the forests, day and night

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

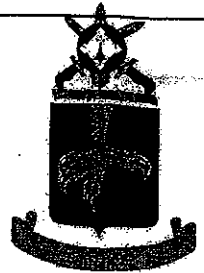


THOMAS C. MAFFEY
Brigadier General, US Army
Assistant Division Commander (Maneuver)



DEPARTMENT OF THE ARMY

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



REPLY TO
ATTENTION OF

AFZB-KB-CDR

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

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

1. The undersigned has reviewed thoroughly the aforementioned investigation conducted by [REDACTED] and approved by [REDACTED]. I ratify and approve the findings and recommendations enclosed.

2. Commander's Comments:

TRAFFIC COMES WITH CHEM LIGHT SUBLIES - MUST BE USED
IN NIGHT OPS - KEY IS PUT EARLY WARNING OUT FURTHER
IN ADVANCE FURTHER IF PUNIC THAT HALTS. BLUF: EXTIMATE
DEATH OF EOF TRUCKS - STRIKE
GOT REPORT - NO VIOU

3. POC for this memorandum is the undersigned.

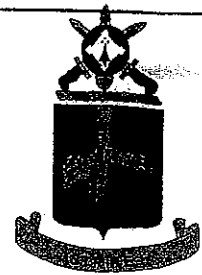
[REDACTED SIGNATURE]

IN
Commanding



DEPARTMENT OF THE ARMY

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



REPLY TO
ATTENTION OF

AFZB-KB-CDR

18 April 2006

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

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

1. You are hereby appointed an investigating officer, pursuant to AR 15-6, to investigate EOF resulting in a death to an LN in A Co, 1st Battalion, 502d Infantry Regiment on or about 16 April06. The scope of your investigation will include:

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

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

3. [REDACTED] or [REDACTED], 2 BCT Command Judge Advocate (242-4342), will serve as your legal advisor. The 1-502D BN S1 will provide necessary administrative support. The 101st AA Criminal Investigation Division Command (CIDC) will provide technical support, including preserving physical evidence, if needed.

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

FOR COMMANDER:

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[REDACTED SIGNATURE]


AG
Adjutant

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  1-502D BN COMMANDER, APO AE 09398
(Appointing authority)

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on 18 APRIL 2006 *(Date)* (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

SECTION II - SESSIONS

The *(investigation) (board)* _____ at _____
(Place) (Time)

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

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

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

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

	YES	NO ¹⁾	NA ²⁾
1 Inclosures <i>(para 3-15, AR 15-6)</i>			
Are the following inclosed and numbered consecutively with Roman numerals: <i>(Attached in order listed)</i>			
a. The letter of appointment or a summary of oral appointment data?	X		
b. Copy of notice to respondent, if any? <i>(See item 9, below)</i>	X		
c. Other correspondence with respondent or counsel, if any?	X		
d. All other written communications to or from the appointing authority?	X		
e. Privacy Act Statements <i>(Certificate, if statement provided orally)?</i>	X		
f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered <i>(e.g., absence of material witnesses)?</i>	X		
g. Information as to sessions of a formal board not included on page 1 of this report?	X		
h. Any other significant papers <i>(other than evidence)</i> relating to administrative aspects of the investigation or board?	X		

FOOTNOTES:
¹⁾ Explain all negative answers on an attached sheet.
²⁾ Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

	YES	NO	N/A
2 Exhibits (para 3-16, AR 15-6)			
a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?	X		
b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	X		
c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	X		
d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?	X		
e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?	X		
f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record?	X		
g. If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?	X		
3 Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?			X
B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)			
4 At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b,			
5 Was a quorum present at every session of the board (para 5-2b, AR 15-6)?			
6 Was each absence of any member properly excused (para 5-2a, AR 15-6)?			
7 Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?			
8 If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?			
C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)			
9 Notice to respondents (para 5-5, AR 15-6):			
a. Is the method and date of delivery to the respondent indicated on each letter of notification?			
b. Was the date of delivery at least five working days prior to the first session of the board?			
c. Does each letter of notification indicate			
(1) the date, hour, and place of the first session of the board concerning that respondent?			
(2) the matter to be investigated, including specific allegations against the respondent, if any?			
(3) the respondent's rights with regard to counsel?			
(4) the name and address of each witness expected to be called by the recorder?			
(5) the respondent's rights to be present, present evidence, and call witnesses?			
d. Was the respondent provided a copy of all unclassified documents in the case file?			
e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine			
10 If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):			
a. Was he properly notified (para 5-5, AR 15-6)?			
b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para			
11 Counsel (para 5-6, AR 15-6):			
a. Was each respondent represented by counsel?			
Name and business address of counsel:			
(If counsel is a lawyer, check here)			
b. Was respondent's counsel present at all open sessions of the board relating to that respondent?			
c. If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the action taken on it included in the report (para 5-6b, AR 15-6)?			
12 If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):			
a. Was the challenge properly denied and by the appropriate officer?			
b. Did each member successfully challenged cease to participate in the proceedings?			
13 Was the respondent given an opportunity to (para 5-8a, AR 15-6):			
a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?			
b. Examine and object to the introduction of real and documentary evidence, including written statements?			
c. Object to the testimony of witnesses and cross-examine witnesses other than his own?			
d. Call witnesses and otherwise introduce evidence?			
e. Testify as a witness?			
f. Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?			
14 If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses (para 5-8b, AR 15-6)?			
15 Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (para 5-11, AR 15-6)?			

FOOTNOTES: 1 Explain all negative answers on an attached sheet.
2 Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

SECTION VI - AUTHENTICATION (para 3-17, AR 15-6)

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)

(Recorder)



(Investigating Officer) (President)

(Member)

(Member)

(Member)

(Member)

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

To the extent indicated in _____, the undersigned do(es) not concur in the findings and recommendations of the board. (In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the

(Member)

(Member)

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

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

- Concur with findings and recommendations
- This does underscore the need to maintain SA and understand urban terrain; the IATP could have been part of the security halt.
- Hand held flares are coming out of the cab and going into the turrets, day and night

CHRONOLOGY OF EVENTS

17APR06

- 2030- ██████ reinforces proper EOF procedures to ██████
- 2040- ██████ gives patrol brief.
- 2052- Patrol SP's FOB Mahmudiyah traveling south on ██████ to conduct barrier emplacement.
- 2105- Patrol stops on ██████ near the IAC.
- 2105- Gun truck passengers dismount to provide security.
- 2114- Van stops at IA checkpoint approx. 125m north of trail vehicle.
- 2115- ██████ shines spot light towards van.
- 2115- Vehicle starts movement towards patrol.
- 2115- ██████ waves light and shouts at vehicle to stop.
- 2115- Vehicle increases speed and reduces distance to 75m.
- 2115- ██████ fires 1x warning shot over vehicle.
- 2115- Vehicle does not acknowledge and reduces distance to 50m.
- 2115- ██████ instructs his gunner to fire to disable the vehicle.
- 2115- ██████ stout fires 5x 4rd bursts into the vehicle, ██████ and ██████ each fire 10 rds.
- 2115- Vehicle stops approx. 25m away and cease fire is given.
- 2116- ██████ approaches vehicle.
- 2116- Assess 1x LN Male KIA, 1x LN Male WIA and 1x LN Female WIA.
- 2116- Wounded personnel helped out of vehicle.
- 2116- MiTT medic assesses injured passengers.
- 2120- IA ambulance arrives to transport victims.
- 2120- Claims card issued to woman.
- 2130- All LN's taken to hospital and van taken to IAC.
- 2157- Patrol continues mission.

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18 April 2006

MEMORANDUM FOR RECORD

SUBJECT: Findings and Recommendations for Investigation (EOF)

1. At approximately 17 2115 APR 06 [REDACTED], [REDACTED] and [REDACTED] A/1-502 IN, were involved in an escalation of force (EOF) incident, [REDACTED] while providing patrol security.
2. Summary of the Facts:
 - a. A/1-502IN, including [REDACTED] and [REDACTED] received ROE Training on 04APR06.
 - b. [REDACTED] ensured that [REDACTED] was aware of all ROE related procedures by giving him a brief prior to movement reinforcing prior ROE TNG. (Exhibit [REDACTED])
 - c. The patrol leader, [REDACTED] gave a convoy brief prior to movement covering the mission, Rate of March, medic location, MEDEVAC procedures and actions on contact. He was confident that all soldiers understood ROE/EOF. (Exhibit [REDACTED])
 - d. The patrol reached the IAC and conducted a security halt along [REDACTED] while MiTT personnel entered the IAC. (Exhibit [REDACTED])
 - e. The rear vehicle noticed a van stop at the IA TCP north of the patrol position and [REDACTED] shined a white light to keep the van halted. (Exhibit [REDACTED])
 - f. The van initiated movement south along [REDACTED] towards the patrol and did not respond to the light. (Exhibit [REDACTED])
 - g. [REDACTED] waved his light and shouted for the vehicle to stop, but noticed no response. The vehicle increased its speed and continued traveling towards the patrol closing to within 75 meters. (Exhibit [REDACTED])
 - h. [REDACTED] continued to the next step in EOF and fired 1x warning shot, which was a tracer round, above the approaching vehicle. The vehicle still did not slow its progress or otherwise acknowledge. (Exhibit [REDACTED])
 - i. When the vehicle came within 50 meters, [REDACTED] gave the order to fire disabling shots. The M240B gunner, [REDACTED] fired approximately 20 rounds of 7.62mm and the two dismounted soldiers,

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- [REDACTED] and [REDACTED], each fired 10 rounds of 5.56mm at the approaching vehicle. (Exhibit [REDACTED])
- j. [REDACTED] gave the command to cease fire as the van turned to the west and halted approximately 25 meters north of the patrol. (Exhibit [REDACTED])
- k. [REDACTED] and [REDACTED] remained in the same location providing security while [REDACTED] approached the vehicle. (Exhibit [REDACTED])
- l. [REDACTED] assessed 1x LN male KIA (the driver), 1x LN male WIA (rear passenger) and 1x LN female WIA (front passenger). He requested the MiTT medic and helped the female passenger out of the vehicle. (Exhibit [REDACTED])
- m. IA personnel arrived on scene with an ambulance to transport all LN's to the hospital. Before leaving, [REDACTED] gave the LN female a claims card. [REDACTED] took pictures of the vehicle and told [REDACTED] what had occurred. [REDACTED]
- n. The IA then drove the LN's away and took the van into the IA compound. (Exhibit [REDACTED])
- o. After the incident was complete, the patrol gathered all personnel and continued mission.

3. Findings: After carefully considering the evidence, I find that:
- a. A/1-502 IN followed appropriate EOF procedures according to 1-502 IN SOP. Due to the proximity of the vehicle when escalation began, the personnel did all that was required before resulting to the use of deadly force. All vehicles were marked with reflective tape on front and rear windows to aid in night time recognition. Each vehicle had chemlights and 1x star cluster in an ammo can next to the radio. This equipment was not used due to the short amount of reaction time when the escalation of force began. Additional related equipment that is currently on order: 1x laser pointer per vehicle, 1x bullhorn per vehicle and 1x pressurized air horn per vehicle. The patrol did not use the following: M203 non-lethal rounds since there was not 203 gunner present, traffic cones and colored flags since the incident occurred at night and the security halt was brief.
- b. [REDACTED] attempted to stop the approaching vehicle by waving a white spot light, shouting and firing a warning shot (tracer) before using deadly force.
- c. Point of aim and shot placement: From the pictures it is apparent that out of approximately forty rounds, five struck the windshield, two struck the hood and unknown number struck the side windows. All

personnel were aiming at the engine block to disable. In doing so, the rounds that are unaccounted for were most likely high/low misses and side windows hits when the vehicle turned. The inconsistency in shot placement can be attributed to night time shooting with and without NODs, a moving target and recoil due to burst firing.

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

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

- a. No action be taken on [REDACTED] [REDACTED] or [REDACTED]
- b. If time permits, fire warning shots with a crew served weapon to provide a louder report.
- c. When halted at night along ASRs establish security at a greater distance from the convoy utilizing any existing obstacles (IA TCP) and employ more easily recognizable signals for vehicles to acknowledge i.e. Red flashing hazard lights, multiple white lights in both directions, traffic cones with chemlights attached.
- d. Place star cluster and/or chemlights in gunners hatch to facilitate easy access and quick reaction.
- e. When on order equipment arrives, ensure that soldiers are briefed on all items and they are implemented into EOF procedures.

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15-6 Investigation Exhibit List

#06-147 EOF Death of LN

- EXHIBIT A. Storyboard
- EXHIBIT B. Photos
- EXHIBIT C. [REDACTED] Sworn Statement
- EXHIBIT D. [REDACTED] Sworn Statement
- EXHIBIT E. [REDACTED] Sworn Statement
- EXHIBIT F. [REDACTED] Sworn Statement
- EXHIBIT G. [REDACTED] Sworn Statement
- EXHIBIT H. [REDACTED] Sworn Statement
- EXHIBIT I. [REDACTED] Sworn Statement
- EXHIBIT J. DA Form 1594
- EXHIBIT K. SIR
- EXHIBIT L. DA Form 1594
- EXHIBIT M. Email from [REDACTED] 18 April 2006
- EXHIBIT N. Change to 2-101 EOF Procedures

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Exhibit A

STORYBOARD

17 APR 06 Escalation of Force

Incident Along [REDACTED]

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RECOMMENDATIONS

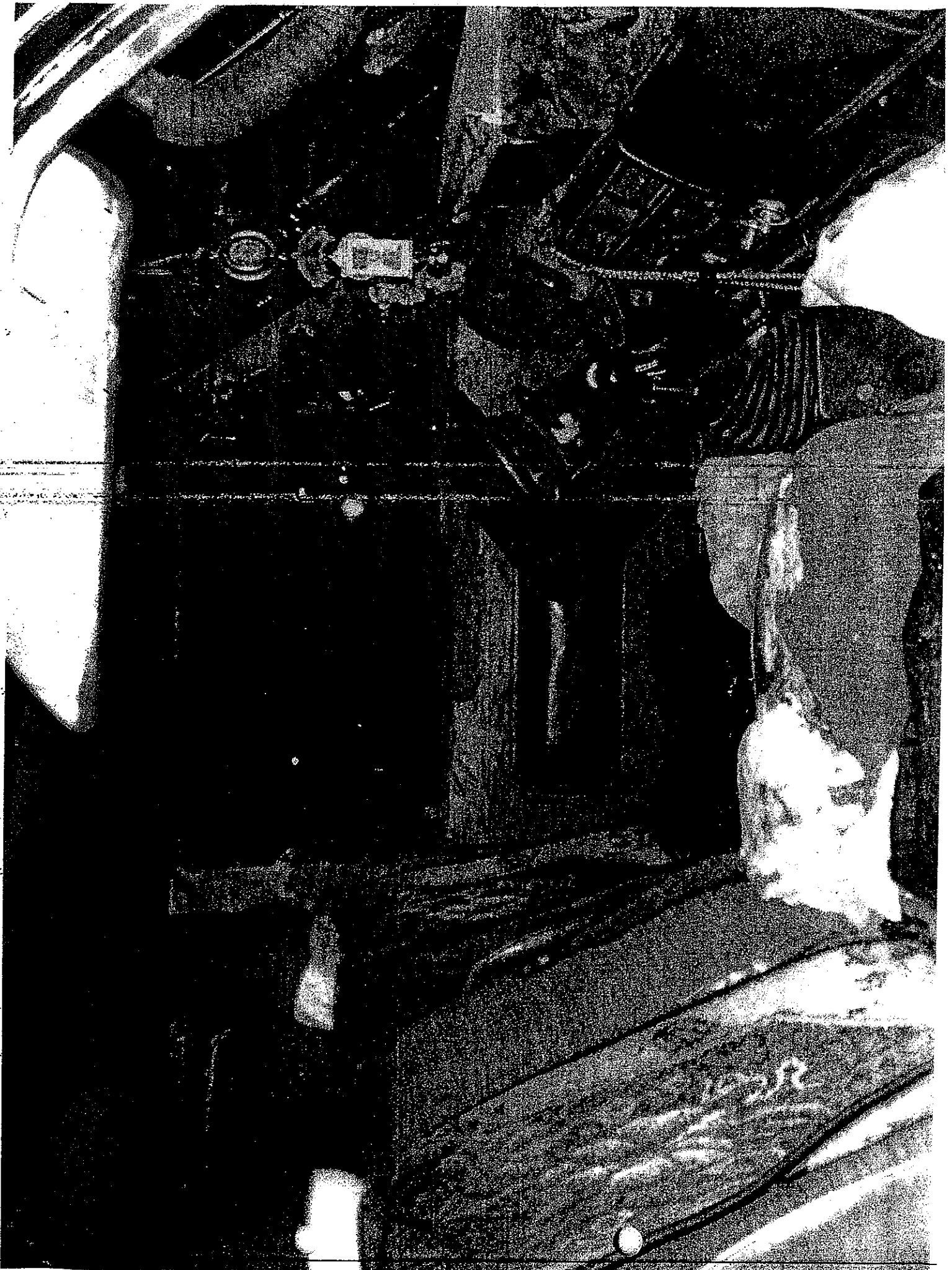
- No action be taken against any soldier involved.
- If time permits, fire warning shots with a crew served weapon to provide a louder report.
- When halted at night along ASRs, establish security at a greater distance from the convoy utilizing any existing obstacles (IA TCP) and employ more easily recognizable signals for vehicles to acknowledge i.e. Red flashing hazard lights, multiple white lights in both directions, cones with chemlights attached.
- Place star clusters and/or chemlights in gunner's hatch to facilitate easy access and quicker reaction.
- When on order equipment arrives, ensure that all soldiers are briefed and the items are implemented into the EOF procedures.

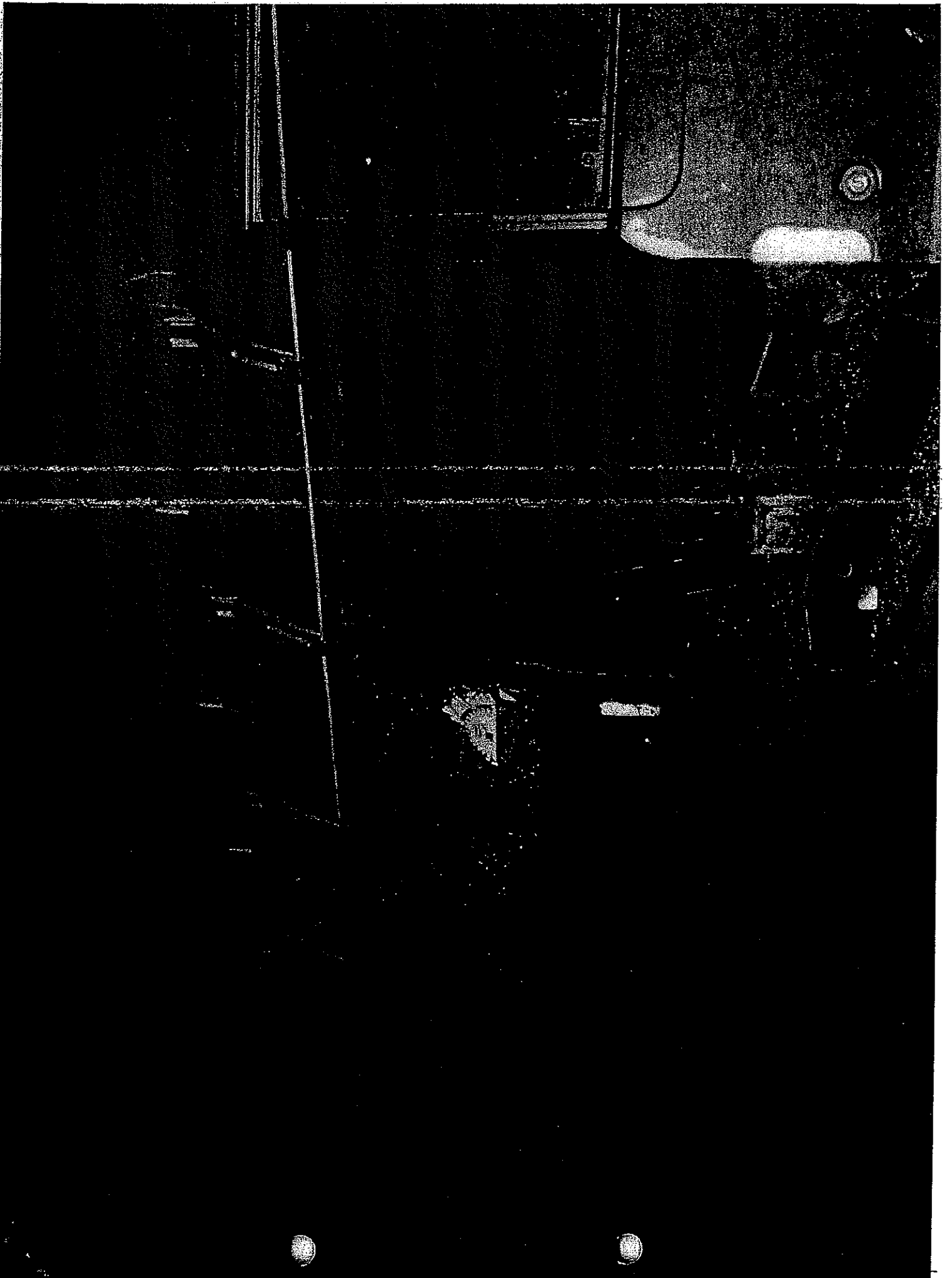
Exhibit B

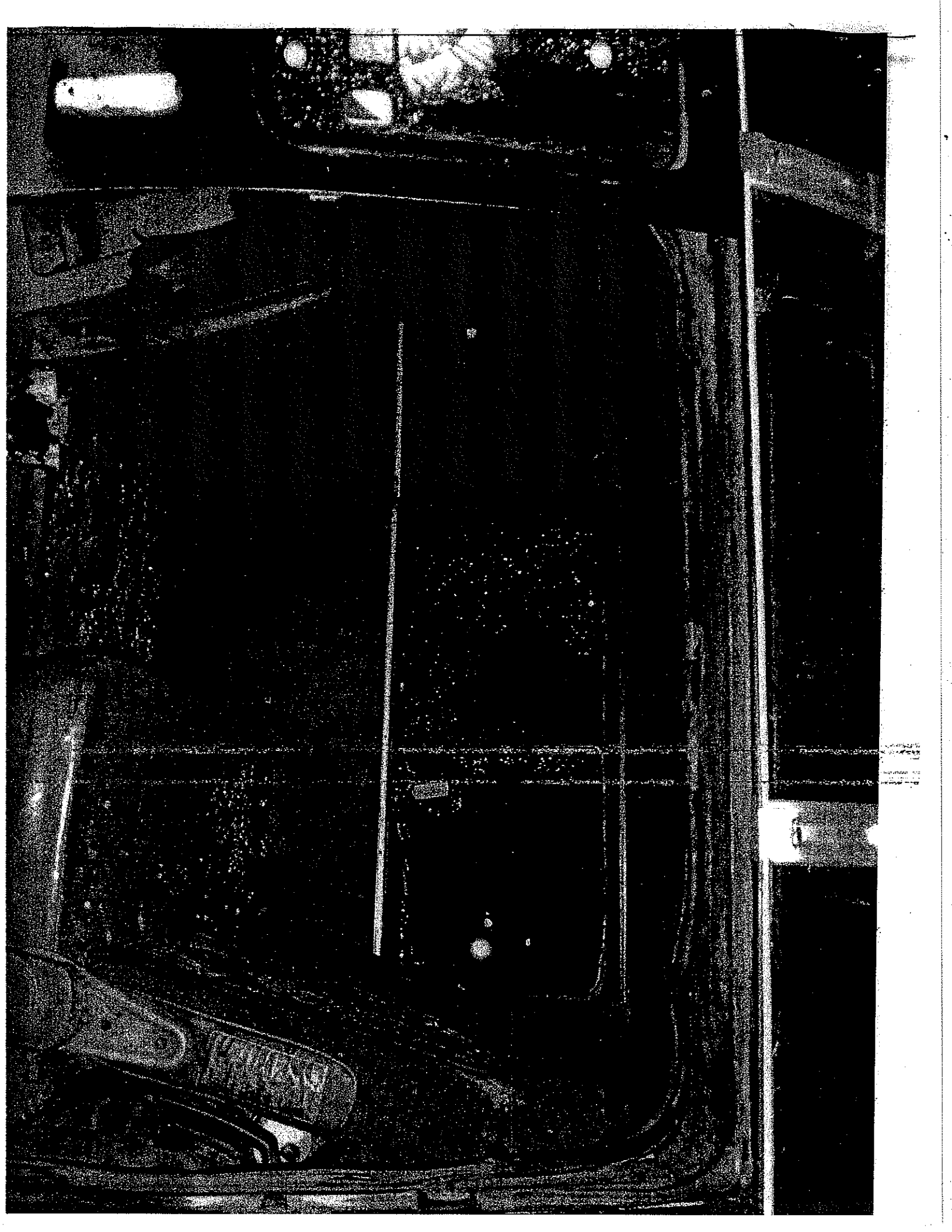
1927

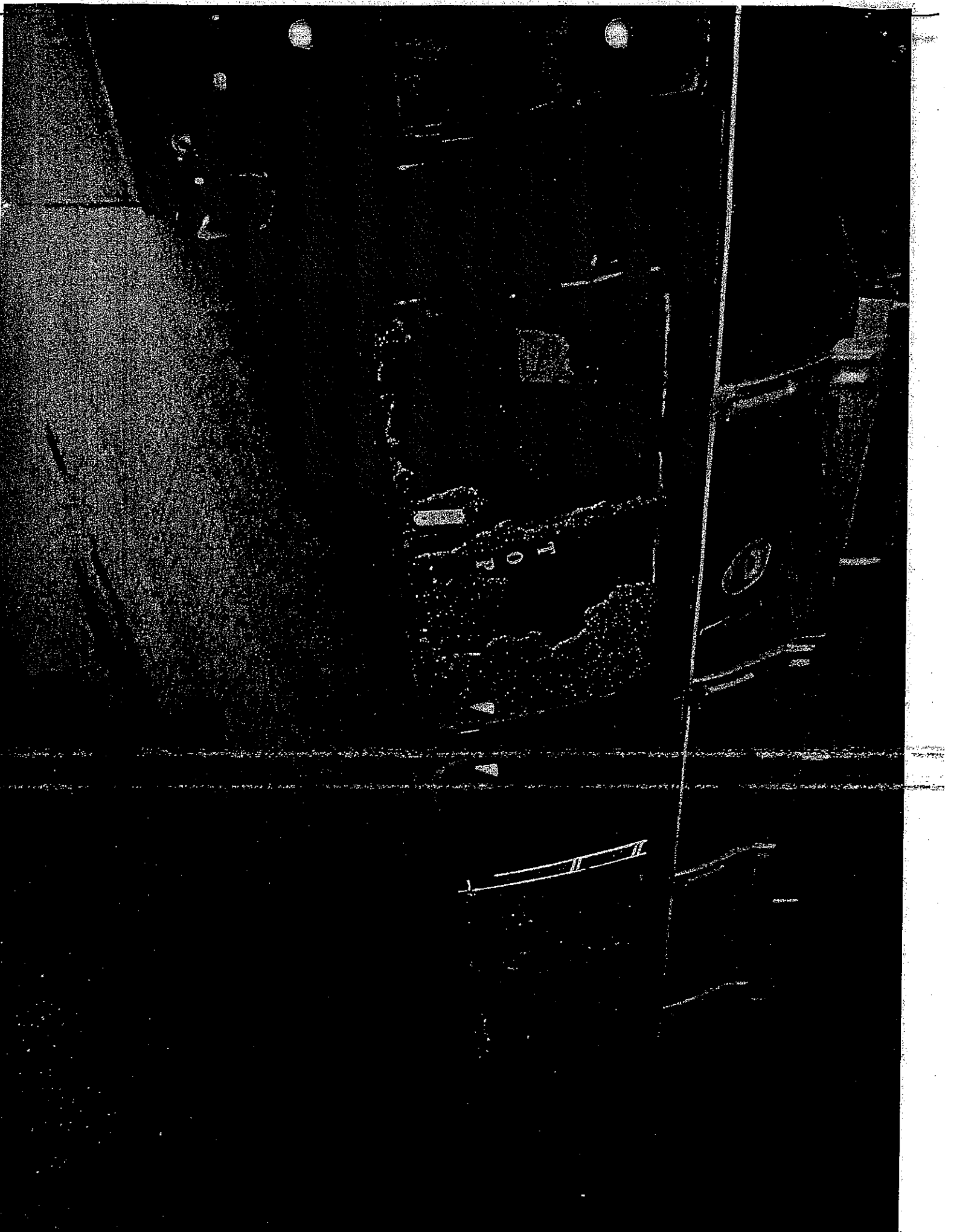
1927











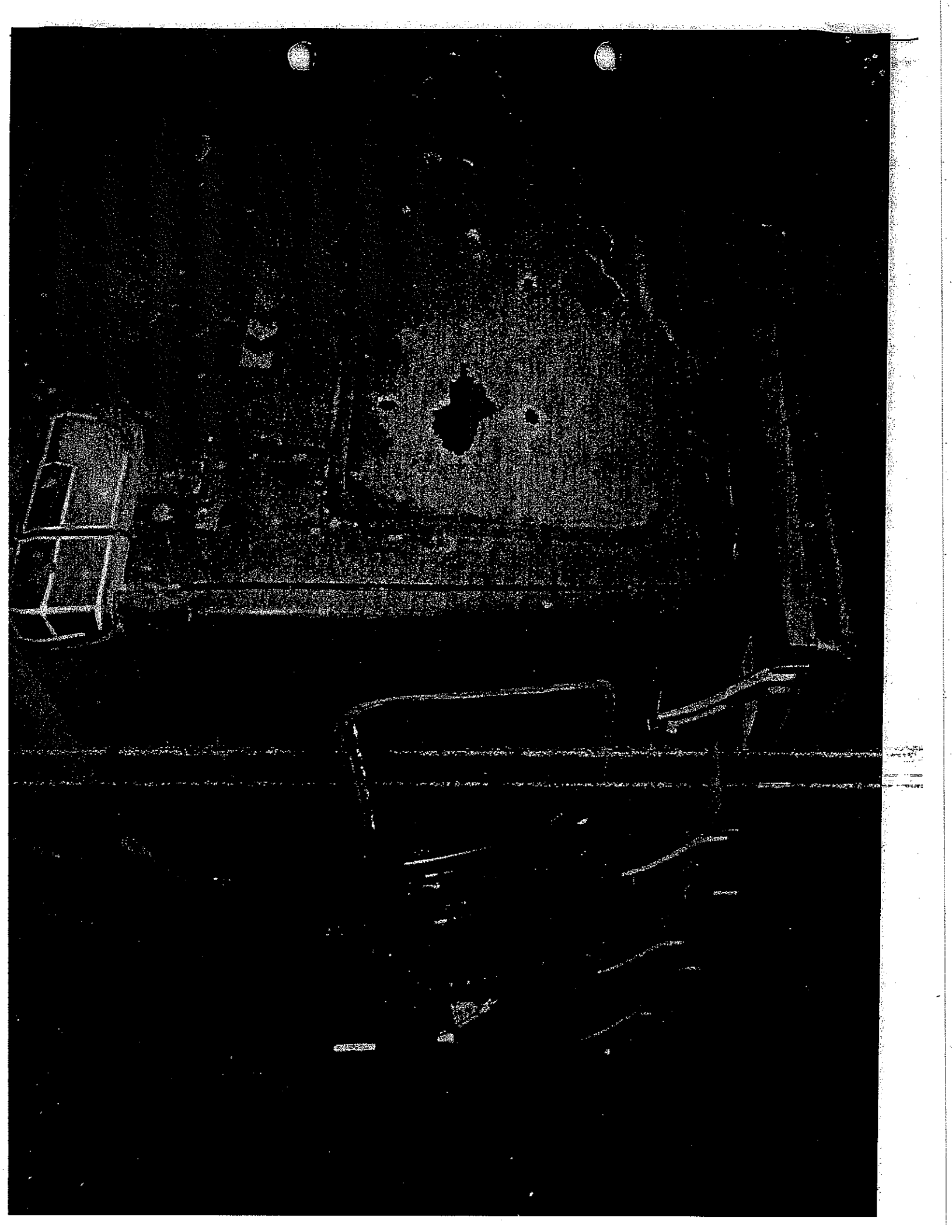


Exhibit C

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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

1. LOCATION: A CO. TAKE
2. DATE (YYYYMMDD): 2006 04 18
3. TIME: 10:00
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS: A CO. 1-502 IN

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9. I, [redacted], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On the 17th April 2006, A2 around 2115 during a barrier emplacement mission. A Van starting driving towards us as we were pulling security. The gunner saw the vehicle coming so he warned us. As the vehicle started get closer at about 75 meter away my NCOIC to the right of me started to wave his ~~spotlight~~ and shouting STOP. The van did not stop but we started to pick up speed. Then the NCOIC fired on warning shot. And the vehicle still kept coming so he yelled NO FIRE! And the Gunner, the NCOIC and I opened fire until the vehicle had stopped about 25 meters away. I shot approximately 10 rounds and the same with my NCOIC. The Gunner shot around 20 rounds. I received a brief on ROE before we reached the security point.

nothing follows

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT
PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [redacted] TAKEN AT [redacted] DATED [redacted]
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

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

STATEMENT OF

[REDACTED]

TAKEN AT

A. CO. TOC

DATED

2006 04 18

9. STATEMENT (Continued)

nothing follows

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 2 OF 3 PAGES

STATEMENT OF

[REDACTED]

TAKEN AT

A. CO. T. C.

DATED

20060418

9. STATEMENT (Continued)

nothing follows

AFFIDAVIT

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

[REDACTED]

(Signature of Person Making Statement)

WITNESSES:

[REDACTED]

D. CO. T. C.

[REDACTED]

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

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 3 OF 3 PAGES

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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 PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: A Co TOC
2. DATE (YYYYMMDD): 2006 04 18
3. TIME: 1000
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS: A Co 1-502 IN, 2BCT, 101st AA) DIV

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
LAST NIGHT AROUND 2100, A VAN WAS APPROACHING OUR VEHICLE HEADING SOUTH ON [REDACTED] WHILE WE WERE STATIONARY AND PULLING REAR SECURITY TO THE NORTH. AT APPROXIMATELY 150 METERS NORTH OF OUR VEHICLE, I NOTIFIED THE TRUCK COMMANDER, [REDACTED] OF THE APPROACHING VEHICLE. THE TRUCK COMMANDER AND THE OTHER DISMOUNT, [REDACTED] DISMOUNTED AND TOOK UP POSITIONS ON EITHER SIDE OF THE TRUCK TO PREPARE FOR ESCALATION OF FORCE IN CASE THE VEHICLE DONT STOP OR SUDDENLY POSED A THREAT.
AT APPROXIMATELY 100 METERS AWAY, [REDACTED] STARTED FLASHING HIS SPOTLIGHT AND SIGNALING FOR THE DRIVER TO STOP. THE VEHICLE CONTINUED APPROACHING. AT APPROXIMATELY 75 METERS, [REDACTED] CONTINUED FLASHING HIS SPOTLIGHT AND FIRED A WARNING SHOT AS A FINAL WARNING TO GET THE VEHICLE TO STOP. WHEN THE VEHICLE REACHED APPROXIMATELY 50 METERS FROM OUR LOCATION, [REDACTED] YELLED FOR ME TO "FIRE" ON THE VEHICLE BECAUSE IT SEEMED THEY WERE GAINING SPEED TOWARDS OUR LOCATION.
AFTER BEING TOLD TO FIRE, I FIRED FIVE FOUR-ROUND BURSTS INTO THE VEHICLE. AS SOON AS I RELEASED THE TRIGGER FROM THE FIFTH BURST TO ATTEMPT TO DISABLE THE VEHICLE, [REDACTED] GAVE THE COMMAND TO "CEASE FIRE." AT WHICH POINT I REPEATED THE COMMAND FOR THE OTHER DISMOUNT SO NO FURTHER DAMAGE WOULD FOLLOW.

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2
6

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT: [REDACTED]
PAGE 1 OF 3 PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED]"
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

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

STATEMENT OF [REDACTED] TAKEN AT A Co TDC DATED 18 APR 02

9. STATEMENT (Continued)

WHILE I WAS FIRING, I NOTICED [REDACTED] AND [REDACTED] HAD ALSO FIRED SHOTS TO DISABLE THE VEHICLE. IMMEDIATELY AFTER FIRING, I REPORTED TO [REDACTED] THAT I FIRED 20 ROUNDS TO DISABLE THE VEHICLE UNTIL GIVEN THE COMMAND TO CEASE FIRE.

THE VEHICLE CAME TO A STOP 25 METERS FROM OUR LOCATION - [REDACTED] [REDACTED] REPORTED FIRING 10 ROUNDS AND [REDACTED] ALSO FIRED 10 ROUNDS TO DISABLE THE VEHICLE.

AFTER EVERYBODY STOPPED FIRING, [REDACTED] AND I CONTINUED PULLING SECURITY WHILE [REDACTED] REPORTED THE SITUATION UP TO THE CONVOY COMMANDER, [REDACTED] ONCE [REDACTED] RECEIVED THE INFORMATION, HE REPORTED IT UP TO HARDROCK MIKE SO THEY COULD NOTIFY THRON OF THE SITUATION.

DURING THE INFORMATION CALL UP, WE WERE NOTIFIED THAT THE DRIVER WAS K.I.A. AND ONE OTHER PASSENGER WAS W.I.A. BEFORE THIS MISSION, I ~~WAS NOTIFIED THAT THE DRIVER WAS K.I.A. AND ONE OTHER PASSENGER WAS W.I.A. BEFORE THIS MISSION~~ ^{WAS NOTIFIED THAT THE DRIVER WAS K.I.A. AND ONE OTHER PASSENGER WAS W.I.A. BEFORE THIS MISSION} WENT OVER PROPER P.O.S. W/ [REDACTED] AROUND 2030, BEFORE MISSION

nothing follows

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES

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