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Memorandum for Record, dated 28  
February 2007, Subject: Declassification  
Guidance for Operation Iraqi Freedom  
(OIF) 05-07 issued by the 4th Infantry  
Division G2**



DEPARTMENT OF THE ARMY  
4<sup>TH</sup> BRIGADE COMBAT TEAM, 4TH INFANTRY DIVISION  
FOB PROSPERITY, BAGHDAD, IRAQ  
APO AE 09348

REPLY TO  
ATTENTION OF:

AFYB-UA-CDR

15 June 2006

MEMORANDUM FOR Commander, Multi-National Division - Baghdad, Camp Liberty, APO AE 09352

SUBJECT: Findings and Recommendations: AR 15-6 Investigation Re: 2-506 EOF (Fatal) 22 May 2006

1. I have reviewed the above described investigation and recommend approval of the findings, supplemental findings and recommendations with the following exceptions.
2. The shots fired at the vehicle after it began moving away from the cordon were a violation of the rules of engagement. In addition, the set up of the cordon did not comply with Battalion and Brigade SOPs. Tragically, this combination of tactical errors and ROE violations resulted in the death of a local national.
3. The Soldiers involved received basic EOF and ROE training prior to deployment, as well as theater specific training in Kuwait. I do not know whether their pre-deployment training was adequate. They received comprehensive scenario based training again here in MND-B during right seat/left seat rides. Prior to departing the FOB, all 4/4 BCT patrols, including this one, receive another EOF and ROE briefing. That briefing consists, in part, of the four slides at Enclosure 1 of the additional findings. Those slides contrast the low percentage of SVBIEDs with the high percentage of EOFs that injure or kill local nationals. To enhance and reinforce that training, a reference card with EOF procedures and scenarios has been distributed to each patrol.
4. We will find the woman's family and assist them in filing a claim. I agree with [REDACTED] that having [REDACTED] and [REDACTED] participate in the payment of claims is not a good idea. We will process and pay the claim through our Brigade Operational Legal Team.
5. I have directed that [REDACTED] and [REDACTED] be suspended from duties outside the FOB pending the completion of this investigation.
6. I recommend that [REDACTED] receive a General Officer Memorandum of Reprimand and that his chain of command be allowed to recommend local or OMPF filing.
7. I concur with [REDACTED] that UCMJ punishment is appropriate for [REDACTED]. Thus I request that jurisdiction over [REDACTED] be returned to me for disposition of this matter.
8. My POC for this action is [REDACTED] at [REDACTED].

[REDACTED]  
Commanding

ALL ITEMS ARE  
REDACTED UNDER  
5 USC 552(B)(6)  
UNLESS OTHERWISE  
NOTED

DEPARTMENT OF THE ARMY  
Headquarters, 2nd Battalion, 506th Infantry (Air Assault)  
FOB Falcon, Baghdad Iraq

WAC-AAA

6 June 2006

MEMORANDUM FOR: [REDACTED] 4th BCT, 4th ID, JAG, FOB Prosperity,  
Baghdad, Iraq

SUBJECT: Response to 15-6 on EOF for 22 May 06

1. The purpose of this memorandum is to provide thoughts on the 15-6 conducted to investigate the EOF that occurred on 22 May 06 by 2nd PLT A CO 2-506 IN BN in Baghdad, Iraq.

2. The following are my responses to the IO's recommendations:

5.a. Non-concur with recommendation not to administer UCMJ. [REDACTED] acknowledges he knew that wire should have been down and he acknowledges that he had wire. He made the conscious decision not to put all the warning measures into effect. He failed to follow an SOP that has been taught, trained and proven to be effective. This simple act may have given the driver the necessary warning not to continue and saved the women's life.

I concur that it is difficult to expect a soldier that has perceived a hostile act or threat and started shooting to stop shooting. However, we have made it perfectly clear through our chain of command in the Renegades that leaders are responsible for controlling the fires of their unit. Controlling their fires includes the constant assessment of the threat that a target poses. Leaders are expected to order cease fire if the target is no longer an immediate threat

5.b.1. Non concur with the recommendation to eliminate the EOF procedures. Soldiers need tools to help them implement and follow the ROE. Our soldiers are young...in some cases 19 and 20. They are the best we have ever had, but we cannot expect them to internalize the ROE as if they have studied it for years.

5.b.2. Non-concur with the elimination of disabling shots. There is a tactical advantage to disabling a vehicle...we can detain the occupant and exploit any possible intelligence. When the vehicle poses a threat, but is simply a bad driver disabling shots also save his life. We should not view disabling shots as a possible killing shot, but rather a possible chance to save the life.

5.c. Concur.

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5.d. Concur; however, this should be reinforced by the platoon and company leadership after reinforcement training by Battalion leadership.

5.e. Concur, Company leadership rides along with many patrols already. BN leadership visits patrols and rides along already.

5.f. Concur.

5.g. Concur.

5.h. Strongly non-concur. [REDACTED] and [REDACTED] should not be directly involved in the delivery of the foreign claims payment. By involving them directly we place the individual soldiers and possibly their families at increased risk of retribution. Battalion or brigade leadership is the appropriate level of leadership that should deliver the foreign claims payment. In this culture, leaders resolve issues between groups.

3. POC is the undersigned at VOIP [REDACTED]

[REDACTED]

Commanding

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DEPARTMENT OF THE ARMY  
4<sup>TH</sup> BRIGADE COMBAT TEAM, 4TH INFANTRY DIVISION  
FOB PROSPERITY, BAGHDAD, IRAQ  
APO AE 09348

REPLY TO  
ATTENTION OF:

AFYB-UA-CDR

10 June 2006

MEMORANDUM FOR RECORD

SUBJECT: Appointment of [REDACTED] as Investigating Officer

This memo confirms that on 22 May 2006, I verbally appointed [REDACTED] as an investigating officer pursuant to AR 15-6. I ordered [REDACTED] to conduct an informal investigation into the facts and circumstances surrounding a fatal escalation of force incident by members of Company A, 2-506 Infantry Regiment on 22 May 2006.

[REDACTED]  
Commanding

ALL ITEMS ARE  
REDACTED UNDER  
5 USC 552(B)(6)  
UNLESS OTHERWISE  
NOTED

MEMORANDUM FOR RECORD

SUBJECT: AR 15-6 Investigation Re: EOF-2-506 (Death of 1 LN) - 22 May 06

1. [REDACTED] departed on EML prior to signing Section VIII of the DA Form 1574. However, he signed a separate memo approving the investigation and stating his recommendations.

2. Please contact me or [REDACTED] with any questions or concerns.

[REDACTED]  
Brigade Judge Advocate



DEPARTMENT OF THE ARMY  
4<sup>TH</sup> BRIGADE COMBAT TEAM, 4TH INFANTRY DIVISION  
FOB PROSPERITY, BAGHDAD, IRAQ  
APO AE 09348

REPLY TO  
ATTENTION OF:

AFYB-UA-CDR

14 June 2006

MEMORANDUM FOR RECORD

SUBJECT: Appointment of [REDACTED] as Investigating Officer

This memo confirms that on 14 June 2006, I verbally appointed [REDACTED] as an investigating officer pursuant to AR 15-6. I ordered [REDACTED] to conduct a supplemental investigation into the ROE and EOP training given to [REDACTED] and [REDACTED] of Company A, 2-506 Infantry Regiment, prior to their involvement in a fatal escalation of force incident on 22 May 2006. The original investigating officer [REDACTED] departed for EML on 6 June 2006, and is not expected to return prior to 27 June 2006.

[REDACTED]  
[REDACTED]  
Commanding

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 [REDACTED] IN, Commanding  
(Appointing authority)

on 22 May 2006 (Date) (Attach inclosure I: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

SECTION II - SESSIONS

The (investigation) (board) commenced at FOB Falcon at 1300  
(Place) (Time)

on 23 May 2006 (Date) (If a formal board met for more than one session, check here . Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

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

The (investigating officer) (board) finished gathering/hearing evidence at 1300 on 03 June 2006  
(Time) (Date)  
and completed findings and recommendations at 1300 on 04 June 2006  
(Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

		YES	NO	NA <sup>2</sup>
1	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?	X		
	b. Copy of notice to respondent, if any? (See item 9, below)			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 (Certificate, if statement provided orally)?			X
	f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?			X
	g. Information as to sessions of a formal board not included on page 1 of this report?			X
	h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?			X

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



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

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

The *(investigating officer) (board)*, having carefully considered the evidence, finds:  
See attached MEMORANDUM for FINDINGS.

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

In view of the above findings, the *(investigating officer) (board)* recommends:  
See attached MEMORANDUM for RECOMMENDATIONS.

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)



Squadron Operations Officer

Investigating Officer, *Disapproval*

(Member)

(Member)

(Member)

(Member)

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

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

(Member)

(Member)

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

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

See Attached.



Commanding

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NOTED



DEPARTMENT OF THE ARMY

8<sup>th</sup> SQUADRON, 10<sup>th</sup> (US) CAVALRY  
4th INFANTRY DIVISION  
CAMP FALCON, BAGHDAD, IRAQ  
APO AE 09361

REPLY TO  
ATTENTION OF:

AFYB-UA-UAA

04 June 2006

MEMORANDUM FOR RECORD

SUBJECT: AR 15-6 Report of Investigation (Escalation of Force)

1. Purpose. The purpose of this memorandum is to provide the findings and recommendations regarding the escalation of force (EOF) by 2/A/2-506 IN on 220845May06 vic ME [REDACTED] Zone [REDACTED]
2. Summary of Incident. § USC 552 (B) (1)
  - a. At 220627May06, 2/A/2-506 IN struck an IED at [REDACTED] (EXHIBIT I). No damage or casualties were assessed by the patrol at the incident site. The patrol secured the site and established a cordon with vehicles and cones on the west and east bound lanes of [REDACTED]. They also established blocking positions with cones on the access road to the south that parallels Sonics (EXHIBIT A). A median about 20 meters wide and rail road tracks separated Sonics and the access road (EXHIBIT D). No signs, spike stripes, or C-wire were used in any blocking positions (EXHIBIT D).
  - b. The patrol submitted a 9-line EOD request for post blast analysis. EOD responded to the call at 0735 and linked up with the patrol at 0747 (EXHIBIT B).
  - c. At 0847, [REDACTED] in A29B noticed a local national Passat—taxi—about 100 meters away approaching the cordon from the east along the access road (EXHIBIT D). The vehicle maneuvered around other local national vehicles and drove towards the one cone being used as the blocking position. [REDACTED] perceived the taxi moving in his direction, "at a pretty good rate of speed" (EXHIBIT C). [REDACTED] states "he (the taxi) was coming about 25-35 mph" (EXHIBIT E).
  - d. [REDACTED] attempted to warn the driver by yelling in Arabic to stop and pointed his weapon towards the car. The car did not stop (EXHIBIT C).
  - e. Prior to the car reaching the one cone on the road, [REDACTED] fired a warning shot at the street in front of the taxi (EXHIBIT C). The taxi swerved and slowed down, but continued to move forward.
  - f. [REDACTED] and now [REDACTED] continued to yell in an attempt to stop the vehicle (EXHIBIT E). The taxi passed the one cone by maneuvering around it and continued to proceed forward (EXHIBIT C). Both [REDACTED] and [REDACTED] fired what they intended to be disabling shots— [REDACTED] in a tire and [REDACTED] in the engine block (EXHIBIT D & F). The car swerved to the left and continued to move. As the taxi began a turn left or south on a perpendicular street, [REDACTED] and [REDACTED] continued to shoot [REDACTED] in the rear passenger door and [REDACTED] in the front passenger door (EXHIBIT D & F).
  - g. The taxi then completed its turn left or south on the perpendicular road. The car slowed down, but then continued to move away from the cordon. As the car passed a second cone, [REDACTED] fired two shots in the back right window (EXHIBIT D). Approximately 25 meters past the cone the taxi stopped.
  - h. [REDACTED] and [REDACTED] maneuvered dismounted towards the taxi. As they approached, the male taxi driver and female passenger got out of the vehicle. The female passenger stepped out of the vehicle on her own, took a few steps and collapsed to the ground (EXHIBIT D). This

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SUBJECT: AR 15-6 Report of Investigation (Escalation of Force)

was the first time that either [REDACTED] and [REDACTED] noticed the female passenger (EXHIBIT C). The female passenger was sitting in the rear of the taxi (EXHIBIT E).

i. [REDACTED] and [REDACTED] searched the driver and passenger and they both came up clear. During the search they noticed that the female passenger was wounded in the back (EXHIBIT E).

j. [REDACTED], the patrol medic, and patrol interpreter arrived shortly after the search of individuals and vehicle came up clear. [REDACTED] began treating the female local national. His initial observations were 2-3 bullet wounds in the back, she was talking, and in beginning phase of shock (EXHIBIT H). Some of the comments the female local national said were: 'why was I shot', 'I'm going to die', 'take me to the hospital', and 'I want my son' (EXHIBIT H). Through continued inspection he identified three bullet wounds, one in upper left back and two in the center of her lower back. He also identified a shrapnel type wound in her right arm around the triceps and smaller fragmentation wounds in/on her back (EXHIBIT G).

k. [REDACTED] attempted to stabilize the woman, but she slipped further into shock (EXHIBIT H). Approximately 15 minutes passed before the National Police arrived (EXHIBIT C). During the wait, the female local national slipped further into shock (EXHIBIT D & H). The National Police loaded her into the back of a vehicle and the 2/A/2-506 IN patrol secured the movement to the CSH (EXHIBIT I). Due to the severity of the wounds and the urgency to get her to the CSH the patrol leader decided to release the taxi driver and focus his patrol on securing the movement to the CSH (EXHIBIT C). Final report from the CSH was due to internal bleeding and injury to organs the female local national was pronounced dead (EXHIBIT I).

3. General sequence of events (if exhibits stated time or approximate time it is listed after the event. All listed times are on 22 May 06): (EXHIBITS C, E, G, & I)

- A. 2/A/2-506 patrol struck by IED—0626
- B. 2/A/2-506 patrol sets cordon
- C. EOD is informed—0639
- D. Cobra Mike is informed—0642
- E. EOD SP Falcon—0730
- F. EOD link-up with patrol and executes post blast—0747
- G. [REDACTED] first notices the taxi approaching—approximately 0900
- H. [REDACTED] fires first warning shot
- I. Taxi swerved and passed first cone in cordon
- J. [REDACTED] and [REDACTED] fires disabling shots
- K. Taxi continues forward and begins turning left/south on perpendicular road
- L. [REDACTED] and [REDACTED] fires disabling shots
- M. Taxi completes left turn and continues to move
- N. Taxi passed second cone in the southern cordon position, pauses, and continues to moves away from cordon
- O. [REDACTED] fires shots in rear of taxi
- P. Taxi stops
- Q. [REDACTED] and [REDACTED] maneuver dismounted towards the taxi
- R. Taxi driver and female local national exit vehicle
- S. [REDACTED] and [REDACTED] first notice there was a passenger
- T. [REDACTED] and [REDACTED] search both individuals and vehicle
- U. [REDACTED] patrol medic arrives at scene and begins treating the female local national—approximately 0905
- V. National Police arrive at the scene—approximately 0930
- W. National Police and patrol maneuver to the CSH
- X. Female local national pronounced dead—0944

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1. Findings of the Investigation.

a. The actions of the local national taxi driver by bypassing the other local national vehicles, traveling at a perceived fast pace, and ignoring verbal instructions to halt and the pointing of weapons, led [REDACTED] and [REDACTED] to initially feel that the taxi was a SVIED.

b. There was a clear violation of ROE once the taxi began its left or south turn and [REDACTED] and [REDACTED] continued to fire. [REDACTED] states "my initial thought—and it was a split second—(the taxi) was SVIED" (EXHIBIT D) when he first saw the taxi approaching. When the vehicle turned left or south [REDACTED] felt the vehicle presented no threat to him or his men, but wanted the vehicle to stop and continued to shoot (EXHIBIT D). When [REDACTED] first saw the taxi he thought it was a SVIED and it presented danger to him and his patrol (EXHIBIT F). As the taxi turned left or south he thought "maybe he was running away from something" and continued to shoot (EXHIBIT F).

c. [REDACTED] (EXHIBIT D) and [REDACTED] (EXHIBIT F) understanding of EOF is to give potential threats the benefit of the doubt. The warning shots turned into disabling shots (and accidentally killing shots) were meant to disable the vehicle and/or control the vehicle movement in order to detain the driver.

d. Based on comments from [REDACTED] (EXHIBIT H) and discussion with Doctor [REDACTED] (A Physician in the Brigade at FOB Falcon) I find that the female passenger sustained her injuries from the actions of the patrol (EXHIBIT K). The patrol first arrived vicinity of the vehicle, the female passenger was at the beginning of shock but talking. During the initial first aid and waiting for the National Police to evacuate her, she slipped deep into shock. With the severity of her wounds Doctor [REDACTED] believes that she would have gone into shock after receiving the wounds (EXHIBIT K). That timing falls in line with when the patrol first engaged.

e. I find that [REDACTED] and [REDACTED] fired between 11 and 16 rounds at the vehicle. [REDACTED] accounts for firing x6 rounds (EXHIBIT D). [REDACTED] accounts for firing more than x5 and less than x10 rounds (EXHIBIT F). [REDACTED] states he heard more than x8 and less than x15 total round fired (EXHIBIT H). I further find that the rounds fired by [REDACTED] and/or [REDACTED] killed the female local national.

f. I find that I cannot determine specifically if it was [REDACTED] or [REDACTED] or both that fired the rounds that wounded the female local national or when in the sequence of events she was wounded due to the uncertainty of where the rounds hit the vehicle and not having the actual taxi to analysis or determine angles of the trajectory of bullets.

g. I find the patrol made tactical misjudgments during cordon placement and blocking positions. The first mistake was the actual placement. [REDACTED] decided that the access road was important to the cordon. In fact, the access road was separated from [REDACTED] (where HMMWVs were) by a 20 foot median and railroad tracks. Vehicles on the access road posed no threat to U.S. Forces on [REDACTED]. Also, the patrol set up cones as their only EOF measure. Where the taxi broke the cordon, only one cone was used. The patrol was set in the cordon more than an hour and half prior to the EOF (EXHIBIT F). During that time the patrol should have continued to increase and adjust EOF measures with the spike strips and C-wire the patrol had in their HMMWV (EXHIBIT D). The unit's SOP states that all patrols should have cones, C-wire, spike strips, warning signs, lights, and sirens as EOF equipment (EXHIBIT D) 5 USC 552(B)(1)

h. The patrol had no non-lethal M203 rounds because they had been turned in because they were falling apart and creating a safety concern (EXHIBIT D).

5. Recommendations.

a. I recommend no UCMJ punishment for either [REDACTED] or [REDACTED]. I do acknowledge that both soldiers violated ROE when they fired at the taxi as it began to turned left or south on the perpendicular road and began to drive away from the cordon. I feel that the EOF procedures that are

currently in place confuse soldiers and place soldiers in positions such as this. EOF creates a 'give the possible threat the benefit of the doubt' mentality. This thought process creates a feel that it's ok to shoot even if there is doubt of imminent threat. As in this case the soldiers in statements state that the initial thought was the taxi was a VBIED. Once the taxi turned the soldiers' thoughts changed to shooting just to control its movement and get the taxi to stop. I also believe there is an intangible psychology of EOF that once the initial shots are fired soldiers are pushed to the next step or won't stop till the vehicle stops. [REDACTED] and [REDACTED] stopped shooting when the car stopped. I also acknowledge that there were tactical errors made in setting up the cordon. I feel tactical decisions such as placement of cordon and equipment used or not used on cordons do not warrant UCMJ punishment.

b. Recommend all levels of leadership reassess EOF steps.

1. If the chain of command does not want to see EOF being used, then we should eliminate EOF and strictly use ROE as the guide to shoot/kill or not shoot/kill. If hostile intent is perceived then the soldier goes straight to deadly force. This drives the point across to all levels that you fire your weapon only when you are in danger and not to just control traffic. It also still allows a soldier to fire at a threat or perceived threat.

2. If EOF is designed to 'give the benefit of the doubt' and be a useful tool, then the command should consider eliminating the option of disabling fire so as to eliminate some of the accidental killings. The steps of EOF should read—non-lethal warning such as yelling, horns, lights/lasers, and pointing weapon, warning shots, and then shoot to kill. This of course is if there is a perceived threat, time permits, and ROE is followed.

c. Recommend Brigade Legal create vignettes that explore several different ROE situation based on past events here in Iraq and provide to all units in the Brigade to use in training.

d. Recommend all 2-506<sup>th</sup> soldiers conduct refresher training utilizing scenario based training on current ROE and EOF procedures. Recommend Battalion Leadership reinforce ROE and EOF criteria in patrol briefs and rehearsals prior to all patrols.

e. Recommend 2-506<sup>th</sup> Company Leadership, with the oversight of Battalion Leadership, ride along with all patrols and recertify the TTPs and SOPs that each patrol follows. This will allow Battalion Leadership the ability to access each patrol and leader in the Battalion and also provide leaders situational awareness of the ever changing battlefield. Initial focus should be on pre-patrol briefs and rehearsals, cordon positioning and trigger lines, and use of EOF equipment.

f. Recommend Brigade Leadership reevaluate the SOP for policies of assisting local nations and when/when not to transport local nationals to CSH.

g. Recommend all units in the Brigade that have safety issues with the non-lethal 203 rounds falling apart request re-supply. Recommend Brigade push as an issue for an immediate fill.

h. Recommend 2-506 aggressively pursue coordination of a foreign claims payment to the deceased woman's family and the owner of the vehicle. [REDACTED] and [REDACTED] should be directly involved in the actual payment process to the family.

6. The point of contact for this memorandum is [REDACTED] at VOIP: [REDACTED]

[REDACTED]  
Squadron Operations Officer



DEPARTMENT OF THE ARMY  
HEADQUARTERS AND HEADQUARTERS COMPANY, 4<sup>TH</sup> BRIGADE COMBAT TEAM  
4<sup>TH</sup> INFANTRY DIVISION (MECHANIZED)  
FOB PROSPERITY  
APO AE 09348

AFYB-4UA-HHC

14 June 2006

MEMORANDUM FOR Commander, 4th Brigade Combat Team, Multi-National Division-  
Baghdad, FOB Prosperity, Baghdad, Iraq

SUBJECT: Additional Findings on Deadly Escalation of Force 2/A/2-506 Infantry Battalion

1. In order to answer the remaining questions pertaining to the deadly escalation of force incident on 22 May 2006, I have reviewed the supplemental findings of CPT [REDACTED], Battalion S-1, 2-506 IN; read the statements of CPT [REDACTED], Commander, A Company, 1SG [REDACTED], First Sergeant, A Company, SFC [REDACTED], 2d Platoon Sergeant, SSG Allen Murphy, and SPC Reem Temesgen; reviewed the investigation conducted by MAJ [REDACTED] and, interviewed CPT [REDACTED] telephonically at 141500JUN2006 to complete the information regarding the instructor for escalation of force training conducted at Fort Campbell, and if the Battalion had retained copies of the training materials used at Fort Campbell and in Kuwait.
2. A/2-506 IN conducted generic, non-theater specific escalation of force training prior to deployment (Encl 3&4). This training was conducted by an instructor that was not identified in the sworn statements and could not be identified by CPT [REDACTED]. Since the instructor cannot be identified, I am unable to determine whether this instructor was qualified to conduct the training given at Fort Campbell. Subsequently, I am unable to determine if the training conducted was adequate for the combat environment in the 4<sup>th</sup> BCT Area of Operations (AOR) since the training materials used are not available for review.
3. A/2-506 IN received escalation of force training that was tailored to the Iraqi Theater of Operations upon arrival in Kuwait and again once they arrived in the 4<sup>th</sup> BCT AOR (Encl 2-6b). The training conducted included all elements of the Escalation of Force procedures and references all of the non-lethal measures and equipment that are used in an EOF situation (Encl 2-6b). Since there are no copies of the training materials used in Kuwait, I am unable to determine if the EOF training conducted was adequate. The MNC-I EOF/ROE training materials (Encl 2) that are mandatory elements of every patrol briefing in the 4<sup>th</sup> BCT (per 4<sup>th</sup> BCT FRAGO 095, dated 6 March 2005) provide adequate training/information for a Soldier to understand the proper sequence and procedures to follow during an EOF incident.
4. SSG [REDACTED] (Encl 5b) and SPC [REDACTED] (Encl 6b) stated that they received an EOF/ROE briefing from the patrol leader during the patrol briefing. This briefing consisted of the patrol leader "reading over the EOF during the patrol brief" (Encl 5b). SPC Temesgen's statement indicates that he may not have had a full understanding of the ROE since he stated that they were not to "engage unless (they) were being engaged" (Encl 6b). As stated in the briefing slides used

ALL ITEMS ARE  
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5USC552(B)(6)  
UNLESS OTHERWISE  
NOTED



AFYB-4UA-HHC

SUBJECT: Additional Findings on Deadly Escalation of Force 2/A/2-506 Infantry Battalion

by the patrol leader, the MNC-I ROE allows a Soldier to use deadly force if the Soldier positively identifies the target as hostile (hostile act/intent) and the Soldier believes there is an imminent threat to life or serious bodily injury (Encl 2). SPC [REDACTED] statement indicates that the EOF/ROE briefing conducted by the patrol leader was either inadequate or inaccurate.

5. The point of contact for this memorandum is the undersigned at [REDACTED] or [REDACTED]

[REDACTED]  
MAJ, AR  
Commanding

ALL ITEMS ARE  
REDACTED UNDER  
50 USC 552 (b) (6)  
UNLESS OTHERWISE  
NOTED



DEPARTMENT OF THE ARMY  
 HEADQUARTERS, 2<sup>ND</sup> BATTALION,  
 506<sup>TH</sup> REGIMENTAL COMBAT TEAM,  
 101ST AIRBORNE DIVISION (AIR ASSAULT)  
 FOB FALCON, IRAQ APO, AE 09361

REPLY TO  
 ATTENTION OF

AFZB-KG-H

12 JUN 2006

MEMORANDUM FOR Commander, 4th Brigade Combat Team, Multi National Division  
 – Baghdad, FOB Prosperity, Baghdad, Iraq

1. To answer the remaining questions pertaining to Escalation of Force incident which occurred on 22 MAY 2006, I interviewed the following Soldiers: CPT [REDACTED], the company commander, 1SG [REDACTED], the company 1SG, SFC [REDACTED], the platoon sergeant, and SSG [REDACTED] and SPC [REDACTED], the Soldiers involved in the incident. The patrol leader, 2LT [REDACTED] has departed for leave on 10 JUN 2006.

2. Prior to the deployment, SSG [REDACTED] and SPC [REDACTED] received generic engagement criteria training. The EOF training that was conducted by the battalion was not theatre specific (Encl 3 & 4). Once the unit deployed, SSG [REDACTED] and SPC [REDACTED] received EOF training both in Kuwait and again once they arrived to the AOR (Encl 2 - 6B). This training consisted of all the elements of the Escalation of Force procedures, and every Soldier in the company has been thoroughly trained and rehearsed on Escalation of Force procedures (Encl 2 - 6B). Prior to departing on patrol, SSG [REDACTED] and SPC [REDACTED] went over the steps of the Escalation of Force procedures (encl 2 - 6B). The steps of EOF that were covered can be seen in encl 1. Every patrol leader in A Co, 2-506th IN BN goes over these EOF procedures as part of the patrol brief. Based on these facts, I find that SSG [REDACTED] and SPC [REDACTED] were fully aware of and fully understood the Escalation of Force Procedures.

3. Point of contact is the undersigned at [REDACTED]

6 Encl:

- 1. EOF Procedure Brief
- 2. Statement – CPT [REDACTED]
- 3. Statement – 1SG [REDACTED]
- 4. Statement – SFC [REDACTED]
- 5A. Waiver of Rights – [REDACTED]
- 5B. Statement – SSG [REDACTED]
- 6A. Waiver of Rights – SPC [REDACTED]
- 6B. Statement – SPC [REDACTED]

[REDACTED]

CPT, IN  
 Investigating Officer

ALL ITEMS ARE  
 REDACTED UNDER  
 5 USC 552 (B) (6)  
 UNLESS OTHERWISE  
 NOTED

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
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 Falcon
2. DATE (YYYYMMDD): 2006/06/12
3. TIME: 2048
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS: O-3/ RA
8. ORGANIZATION OR ADDRESS: A Co, 2-506th IN, 101st ABN DIV (AASLT)

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

1. What EOF training did SSG [REDACTED] and SPC [REDACTED] (and by extension, the entire unit) receive prior to deployment and was that training adequate?
I WAS NOT ASSIGNED TO ED BN 506 IN UNTIL AFTER THE BATTALION HAD DEPLOYED TO BAGHDAD AND CONDUCTED THE REEF IN PLACE WITH 1-104 (A). I ARRIVED IN MARCH 2006 FROM

2. What EOF training have SSG [REDACTED] and SPC [REDACTED] (and by extension, the entire unit) received since deployment and was that training adequate?
I CAN ONLY COMMENT OR OBSERVE WHAT I HAVE SEEN SINCE I ARRIVED IN THE UNIT IN MARCH 2006. THE PATROLS AND SQUADS ARE AWARE OF THE STEPS AND THE PROCESS OF THE ESCALATION OF FORCE PAU

3. Did the patrol receive an ROE/EOF brief prior to the patrol, and if so, what were the contents of that brief?
THE PATROL RECEIVED AN EOF BRIEF PRIOR TO THE PATROL AND IT WAS IN THE EOF BRIEF ISSUED BY MND-B TO ALL UNITS. I HAVE PERSONALLY WITNESSED THE PATROL LEADERSHIP ISSUE AN EOF BRIEF PRIOR TO SP THAT INCLUDED THE STANDARD REACTIONS AND PROPER EXECUTION OF FORCE PROCEDURES.
///NOTHING FOLLOWS///

10. EXHIBIT
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 INDICATED.

9. STATEMENT (Continued)

[REDACTED]

AFFIDAVIT

I, [REDACTED], 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 [REDACTED] UNLAWFUL INDUCEMENT.

[REDACTED]  
(Signature of Person Making Statement)

WITNESSES:

[REDACTED]

Acc 21506

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 12th day of JUNE, 2006 at FOB Falcon, IRAG

[REDACTED]  
(Signature of Person Administering Oath)

CPT [REDACTED]  
(Typed Name of Person Administering Oath)

UCMJ Article 136  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

ALL ITEMS ARE REDACTED UNDER ERGE 2 OF 2 PAGES 5 USC 552 (B) (6) UNLESS OTHERWISE NOTED

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

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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 Falcon
2. DATE (YYYYMMDD): 2006/06/12
3. TIME: 2117
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS: E-8/ RA
8. ORGANIZATION OR ADDRESS: A Co, 2-506th IN, 101st ABN DIV (AASLT)

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

1. What EOF training did SSG [REDACTED] and SPC [REDACTED] (and by extension, the entire unit) receive prior to deployment and was that training adequate?

From what I can remember it was basic engagement criteria, shoot and no shoot situational exercises. All the EOF training that was conducted was done so with material that was generic in nature and was not suited to any particular theater of operations.

2. What EOF training have SSG [REDACTED] and SPC [REDACTED] (and by extension, the entire unit) received since deployment and was that training adequate?

The entire company conducted EOF training while in Kuwait that was specific to the (TO) theater of operations. It was defined at that point in time and was conducted in shoot/no shoot situational exercises. At the leader level it was gone over several times.

3. Did the patrol receive an ROE/EOF brief prior to the patrol, and if so, what were the contents of that brief?

Every patrol that goes out conducts a ROE/EOF brief with all the latest updates to ROE/EOF for the AO. Things that are discussed are when to engage, where to engage and how to engage a suspected threat to the Coalition forces, US military and local nationals. Tracer warning shots, Use of

10. EXHIBIT
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PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED

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