

ROUTING SHEET

SUBJECT

15-6 08-046

DATE ACT. BY OFFICER

27 DEC 05

ORIGINATOR / ACTION
OFFICER

LEGAL

OFFICE SYMBOL

AFZB-KB-A

TELEPHONE

SUSPENSE

ROUTING

OFFICE

COMMENTS

INITIALS

BRIGADE S1

BRIGADE S2

BRIGADE S3

BRIGADE S4

BRIGADE S6 (SIGO)

BRIGADE CHAPLAIN

BRIGADE SURGEON

BRIGADE SJA

See see below

27 DEC

BRIGADE CSM

BRIGADE XO

28 DEC 05

DEPUTY COMMANDER

I am concerned with Hurrey Chavarras

BRIGADE COMMANDER

28 DEC

IMPACT

PERSONNEL

FUNDS

TIME

TRAINING

SUPPLIES

OTHER

SUMMARY

Sir,

Storyboard from

Exhibit Need signature in app't orders & 1574

IR

CPT D

STRIKES: Exhibit A lays out the location and probable timing of the incident along with the results of a test fire of warning shots. no issues w/ investigation and findings minus the opinion of CPT.

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] Commander, 2d Brigade Combat Team, 101st Airborne Division (Air Assault) Camp Striker, Iraq
(Appointing authority)
APO AE 09398

on 14 December 2005 (Date) (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

SECTION II - SESSIONS

The (investigation) (board) commenced at Camp Striker, Iraq (Place) at 0900 (Time)
on 14 December 2005 (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 1230 (Time) on 19 December 2005 (Date)
and completed findings and recommendations at 2200 (Time) on 23 December 2005 (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

	YES	NO ^{1/}	NA ^{2/}
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: ^{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 ¹	NA ²
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)?			
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, 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)?			
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 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

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

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

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 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.)

Again, EOP followed according to procedures established. I will stress importance of using lasers (green) for early warning.

Chronology of [REDACTED] Activities

Date	Time	Location	Activity
11-Dec	1805	Motorpool	[REDACTED] informed me that [REDACTED] has called the ALOC looking for me
	1815	Motorpool	Was able to reach [REDACTED] via phone, he told me call was reference AR 15-6
	1825	BTB ALOC	Proceeded to BDE TOC after counseling Battle NCO on not relaying message
	1835	BDE TOC	Received [REDACTED] guidance for AR 15-6
	1845	2-502 TOC	Met with [REDACTED], requested storyboard
	1910	2-502 TOC	Met with [REDACTED] outside HQ and explained my mission and guidance
12-Dec	0330	Motorpool	Observed TFIC PCCs and Patrol Brief
	0700	BDE TOC	BDE BUB
	0830	BDE SJA	Met with [REDACTED] and received guidance
	0930	BTB ALOC	Met with my staff to explain my mission and give guidance on what needs to happen
	0950	2-502 TOC	Met with [REDACTED], explained my guidance and got his guidance
	1030	BDE SURG	Met with [REDACTED] ref my illness
	1100	2-502 TOC	Had [REDACTED], he explained SIGACT input process and demonstrated
	1145	BTB ALOC	Interviewed [REDACTED] on SIGACT process at BDE Battle Captain level, Reviewed SIGACT I had witnessed [REDACTED] input. It had already been modified at higher than BN level so that it was no longer correct
	1300	Motorpool	Discussed upcoming TFIC mission with A Co Commander and XO
	1400	C/2-101 TOC	Met with [REDACTED], got original statements. Arranged SP for 13th to TCP 3
	1500	Motorpool	Inspected Concrete Mixer and received class
	1600	Trailer	Reviewed notes and napped due to illness
13-Dec	2300	B CDR Trailer	Met with [REDACTED] ref upcoming Air Assault and support required
	0430	Motorpool	Met with and debriefed Air Assault returnees
	0520	BTB ALOC	Checked SIPR/SIGACTs/Email/Mail
	0600	C/2-101 TOC	Met with [REDACTED], discussed engineer support to infantry missions and plan for my visit with 1st Platoon to TCP3 and set 1400 linkup
	0715	Trailer	Saw [REDACTED] ref my illness
	0730	Trailer	Reviewed notes, made interview plan, and napped due to illness
	1100	C/2-101 TOC	Cancelled trip due to illness
		Trailer	Went to sleep due to illness
	1900	Motorpool	Met with S6 ref photographer for my trip to TCP3
	1930	Trailer	Went to sleep due to illness
14-Dec	0400	Motorpool	Discussed Buffalo Maintenance status with A Co, Both Down and at MANTECH
	0700	MANTECH	Departed to approve cross-level paperwork to bring Buffalo up
	0900	Motorpool	Returned with Buffalo 016 operational/coordinated air movement of A Co XO with BDE XO for Buffalo parts to bring up Buffalo 006
	0930	Add-on-Armor	Coordinated for Add on Armor repair of Buffalo 006 and installation of parts without having to return the Buffalo to MANTECH
	1245	Motorpool	Buffalo 016 now has lights installed and ready to go on road
	1315	C/2-101 TOC	Coordinated with C Co TOC for movement to TCP3 - nonscheduled. 1st Platoon mission on CP8 extended through end of elections
	1800	BTB ALOC	Went to ALOC to check on FREW injury CCIR
	2000	Trailer	Went to sleep due to illness
15-Dec	0400	Motorpool	Received Operations brief from A Co
	0500	C/2-101 TOC	Coordinated for mission to TCP3 with 1st Platoon - none scheduled
	0700	BDE TOC	Attended BUB
	0800	BTB ALOC	Caught up on paperwork from staff, SIPR and email
	1200	Motorpool	Prep for M113A2 Maintenance meeting with Co XOs and Primary Staff
	1400	Motorpool	Maintenance Meeting
	1700	BTB ALOC	Paperwork, SIPR, Email - monitored status of A Co XO movement to Balad for Buffalo glass to bring up Buffalo 006
	1900	Trailer	Went to bed
16-Dec	0415	Motorpool	Observed Patrol Brief for TFIC, discussed maintenance status
	0830	MANTECH	Went to coordinate final repair of Buffalo 006 parts
	0930	Add-on-Armor	Delivered parts and coordinated for delivery of Buffalo 016 for prototype installation of Add on Armor L-Rod Aluminum kit
	1330	Motorpool	Coordinated with C/2-502 for next day's mission
	1500	BTB ALOC	Prepared notes and reviewed interview plan
	1700	Mess Hall	Ate dinner
	1830	BTB ALOC	Reviewed Events of the Day, briefed staff on upcoming events while I would be gone
	2000	Trailer	Went to room to pack, read "Reckoning" and sleep

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Chronology of [REDACTED] Activities

Date	Time	Location	Activity
17-Dec	0330	Motorpool	Coordinated with A Co about Maintenance plan and Husky Training Plan
	0500	BTB ALOC	Reviewed SIGACTs, FRAGO, Email, SIPR, coordinated with [REDACTED] to be my photographer for mission at TCP3
	0630	Motorpool	Linked up with 1/C/2-502 and attended patrol brief
	0700	ECP7	SP for TCP3 - Details of 24 hours of observation and investigation with 1/C/2-502 at TCP3 are in MFR (Exhibit A)
18-Dec	0715	Motorpool	Returned from Mission
	0800	Motorpool	Backbriefed CDR C/2-502, [REDACTED]
	0900	BTB ALOC	Reviewed SIGACTs, FRAGO, Email, SIPR continued working on AR 15-6
	1145	Mess Hall	Ate Lunch
	1300	Motorpool	Received Backbrief on TFIC missions, Husky training and progress of Buffalo 016 at Add-on-Armor from A Co
	1500	BTB ALOC	Received informal backbriefs from ALOC staff
19-Dec	1645	Trailer	Went to bed to read "Reckoning" and sleep
	0345	Motorpool	Observed TFIC PCCs and Patrol Brief
	0600	BTB ALOC	Reviewed SIGACTs, FRAGO, Email, SIPR
	0700	BDE TOC	Attended BUB
	0830	BDE SJA	Reviewed my findings and notes with [REDACTED]
	1130	BTB ALOC	Began working on AR 15-6
	1400	Add-on-Armor	Went to see completion and release of Buffalo 016 with Aluminum Add on Armor kit
	1700	BTB ALOC	Reviewed Events of the Day
20-Dec	1930	Trailer	Went to bed to read "Reckoning" and sleep
	0345	Motorpool	Observed TFIC PCCs and Patrol Brief
	0630	BTB ALOC	Reviewed SIGACTs, FRAGO, Email, SIPR continued working on AR 15-6
	0730	BTB ALOC	Began working on AR 15-6
	0900	BDE JAG	Consulted with [REDACTED]
	1030	BTB ALOC	Reviewed preparations for arrival of [REDACTED] on following day
	1300	Add-on-Armor	Coordinated for Project Manager Review of Buffalo 006 Steel Add-on-Armor kit vice Buffalo 016 Aluminum Add-on-Armor kit
	1530	BTB ALOC	Began working on AR 15-6
21-Dec	1700	BDE TOC	Coordinated with BDE XO
	0315	Motorpool	Observed TFIC preparation and patrol brief
	0600	BTB ALOC	Reviewed SIGACTs, FRAGO, Email, SIPR continued working on AR 15-6
	0930	BTB ALOC	BN BUB
	0950	BTB ALOC	Began working on AR 15-6
	1030	BDE SJA	Consulted with [REDACTED]
	1130	Mess Hall	Ate lunch with [REDACTED]
	1300	MWR Stage	Attended C/2-101 Change of Command
	1430	BTB ALOC	Began working on AR 15-6
	1545	Add-on-Armor	Arranged for modifications to Steel Add-on-Armor kit on Buffalo 006 and discussed ONS to add thermal viewing capability to Buffalo
22-Dec	1815	BTB ALOC	Reviewed SIGACTs, FRAGO, Email, SIPR continued working on AR 15-6
	1930	Trailer	Went to Bed, Read "Reckoning," slept
	0330	Motorpool	Observed TFIC preparation, discussed possibility of putting Knight Team system in EOD escort vehicles and Buffalo
	0600	BTB ALOC	Reviewed SIGACTs, FRAGO, Email, SIPR continued working on AR 15-6
	0730	BDE TOC	Attended last half of Brigade BUB
	0815	BDE SJA	Conferred with [REDACTED] on AR 15-6 and handed off prep of products
	1030	LSA Striker	Accompanied KBR rep on tour of ongoing tank trail/running track and drainage products, continued to Add-on-Armor and secured parts
	1300	BTB ALOC	Continued working on AR 15-6
	1500	BTB ALOC	Switched to Monitoring Current fight of TFIC on Motorhead
	1600	BTB ALOC	OER Counseling with Team 6
	1700	BTB ALOC	Went back to current fight

Chronology of [REDACTED] Activities

Date	Time	Location	Activity
22-Dec	0445	Motorpool	Briefed TFIC on mission at Route Caveman
	0645	526 FSB	Met with [REDACTED] on Non-Standard Class IX
	0730	BDE TOC	Met with BDE XO
	0830	BDE SURG	Discussed Blackout Comms plan for Surgeons office - DSN and NIPR
	0900	BTB ALOC	NCOERs and OERs
	1000	BDE TOC	Met with CSM
	1100	BDE Area	Met with E/1-22 IN supply sergeant and introduced to 1-75 and A Co 2-101
	1400	Trailer	Went to sleep due to illness
	1630	Motorpool	Backbriefed on TFIC mission vicinity of [REDACTED]
	1800	BDE TOC	Met with BDE S3 ref engineer task org between us and 1-75 BDE S4 ref nonstandard class IX funding
	1845	BTB ALOC	Reviewed email and discussed upcoming MICO missions with [REDACTED]
	2030	Motorpool	Reviewed Maintenance status with A Co
	2300	Trailer	Went to bed and read new books on Eastern Front WWII
	0345	Motorpool	Observed TFIC patrol brief, coordinated maintenance
	0645	BDE TOC	Met with BDE XO
	0730	BTB ALOC	SIPR Email and paperwork
	0930	BDE SJA	Met with [REDACTED]
	1000	Motorpool	Turned in sensitive items, coordinated Heavy Equipment maintenance and signed cross-level paperwork. Gave advice to two company commanders in soldier discipline issue
	1215	BTB ALOC	Worked on AR 15-6
	1330	BDE SJA	Met with [REDACTED] to complete AR 15-6

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Sequence of Events

a. 1st Platoon, C/2-502 was manning TCP3 with M1114 C16 located at [REDACTED] on 11 Dec 05. [REDACTED] manned the M240B mounted in the turret oriented to the west along [REDACTED]. The platoon leader, [REDACTED] and [REDACTED] was standing to the right (north) of the M1114 and [REDACTED] was standing to the left (south) of the vehicle.

b. At 1515 hours, [REDACTED] first noticed a black taxi approaching at a unusually high rate of speed from the west along [REDACTED]. The three dismounted soldiers began waving their arms and the gunner flashed a spot light. After the vehicle had traveled 14 seconds and 290meters, [REDACTED] fired the first of nine total warning shots from M4s using tracer rounds. [REDACTED] and [REDACTED] both fired into dirt berms along their respective sides of the road. [REDACTED] fired across the road in front of the taxi into another berm.

c. Two seconds later [REDACTED] shifted fire into the drivers side light and tire of the vehicle. The other dismounts also engaged the front of the grill. The 240B gunner then fired a seven round burst into the grill. The 240B jammed, was rapidly cleared and fired another burst into the taxi. A total 6 M4 rounds and approximately 14 M240B rounds were fired before the taxi came to a stop three seconds later 94 meters in front of the M1114 next to the first concrete barrier of the TCP.

d. The occupants of the taxi consisted of 2 local national males and two local national females and a child estimated at the time to be three years old. The occupants got out of the car and approached the soldiers on the TCP as the soldiers moved forward. One woman had received a gunshot wound to the hand and the child had received a gunshot wound to the head. At that point the platoon rendered immediate aid to both casualties.

e. 1st Platoon called for MEDEVAC at 1520 hours. At 1522 hours the medic on the scene determined the child had died of wounds. The MEDEVAC was cancelled. The woman was treated for the wound to the hand and asked to be allowed to depart in order to bury the child before sundown. The taxi driver, and passengers were searched and the taxi driver and male passenger had identification. No weapons were found.

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Findings

1. 1st Platoon, C/2-502 followed the proper procedures for escalation of force when they engaged a local national taxi 11 1515 Dec 05 at TCP3, MB 13560 74375.
2. 1st Platoon, C/2-502 was properly trained and understood escalation of force procedures for the mission to man TCP3.
3. Rules of Engagement were followed.
4. A round from one of four soldiers who fired on the vehicle hit a local national child in the head resulting in his death.
5. The taxi contained five local nationals:
 - Taxi driver – [REDACTED] (possessed ID)
 - Male passenger (Grandfather) – [REDACTED] (possessed ID)
 - Female passenger (Grandmother) – [REDACTED]
 - Female passenger (mother) – name unknown
 - Child – [REDACTED]
6. The passengers were searched and no weapons were found.
7. Reporting from Platoon to Company and from Company to Battalion was correct and timely. CPOF SIGACT input happened within 15 minutes, but data was either lost or modified. The SIGACT was input again one hour later.

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Recommendations

1. Clearly mark the approaches to TCP3. The sign for TCP3 was located at the initial barrier 100m in front of the vehicle position. Since this event a new sign has been added 150 meters forward of the TCP location in the middle of the road. This has also been done on the other approaches along [REDACTED] and [REDACTED]. The company is having more signs made so that there will be an ample supply for both this mission and other ongoing company missions.

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2. Add visual cues on road. C/2-502 has added a row of sand bags and a cone 150 meters in front of the TCP on [REDACTED] to the west. Recommend they continue this marking as platoons rotate through TCP duty. A physical object in the road provides a more readily noticeable feature than the standard TCP marking systems and concrete barriers which blend with surrounding terrain.

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3. Reserve CPOF SIGACT Input to brigade level. The process of taking FM data and translating in CPOF input provides not benefit to the battalion internally and results in a loss of focus by battalion level battle captains. It also increases the number of potential operators that can be accessing the SIGACT simultaneously with the potential for lost data. The CPOF SIGACT is a brigade wide tool for dissemination of data, and is more appropriately translated into SIGACT at the brigade level for dissemination and passing to higher.



REPLY TO
ATTENTION OF

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



S: 22 December 2005

AFZB-KB-JA

14 December 2005

MEMORANDUM FOR [REDACTED] Headquarters and Headquarters Company, 2-101 Brigade
Troops Battalion, 101st Airborne Division (Air Assault), Camp Striker APO AE 09398

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SUBJECT: Appointment as 15-6 Investigating Officer, Investigation #06-046

1. You are hereby appointed as an investigating officer to conduct an investigation pursuant to AR 15-6, into the facts and circumstances of the escalation of force involving C/2-502d Infantry Regiment resulting in the death of a local national. 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 unit's mission at the time of the incident;
 - d. The planning that went into the mission;
 - e. Whether the Rules of Engagement were followed;
 - f. The nature of any coalition force or LN injuries and the extent of such injuries;
 - 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 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 [REDACTED] at the Brigade Annex for an initial legal briefing. He will serve as your primary legal advisor and can be reached at VOIP 242-4342.

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AFZB-KB-JA

SUBJECT: Appointment as 15-6 Investigating Officer

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.

[REDACTED]
IN
Commanding

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EXHIBITS

A. MFR 22 DEC INVESTIGATION OF INCIDENT

B. MFR 22 DEC INVESTIGATION OF
REPORTING

C. STATEMENT OF [REDACTED]

D. STATEMENT OF [REDACTED]

E. STATEMENT OF [REDACTED]

F. STATEMENT OF [REDACTED]

G. STATEMENT OF [REDACTED]

H. STATEMENT OF [REDACTED]

I. TCP LAYOUT AND TIME DISTANCE CHART

J. EOF SIGACT SLIDE

K. 2-502 STORYBOARD

6

EXHIBIT A



REPLY TO
ATTENTION OF

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



AFZB-KB-JA

22 December 2005

MEMORANDUM FOR RECORD

SUBJECT: Investigation of Escalation of Force, 1/C/2-502 11 1515 DEC 05

1. Purpose: This memorandum documents my on scene investigation at TCP3 from 17 0630 to 18 0730 Dec 2005.

2. I accompanied 1st Platoon, C Company on a 24 hour mission to TCP3 [REDACTED] [REDACTED]. On the 17th of December, 1st Platoon had the same mission for roughly the same duration on the day of the incident.

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3. At 0630, I linked up with the Platoon Leader, [REDACTED] and his NCOs for the patrol brief. I was accompanied by [REDACTED] from the 2-101 BTB S3 section who served as my photographer. We observed the patrol brief and were slotted to ride in C11 under the control of [REDACTED] 1st Squad Leader.

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4. The platoon SP'd on time at 0700 for TCP3. We arrived at TCP3 at approximately 0730 without incident where we relieved 3rd Platoon from C Co. The company technique for occupying the vicinity of TCP3 is to place two gun trucks at TCP3 and send two other gun trucks east on [REDACTED] to vicinity Uday's Farm at [REDACTED]. That morning after conducting a handover brief with 3rd Platoon, the PSG took his M1114, C17, and C12 back to Y047 to relieve the other section from 3rd Platoon. Handover brief was conducted at all levels from Platoon-leader to Platoon leader down to individual infantryman to individual infantryman. This occurred rapidly, and the 3rd Platoon closely followed by the PSG section of 1st platoon had departed in five minutes.

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5. The platoon leader, [REDACTED] and six other soldiers remained at TCP 3. One gun truck, C16, was stationed heading east at the intersection of [REDACTED] and [REDACTED]. C16 was oriented west on Aeros with the gun (M240B) oriented down [REDACTED] on a 273 degree azimuth. At all times at least one soldier was dismounted to the south of C16 watching the approach from the [REDACTED]. The second truck, C11, was located at intersection of [REDACTED] and [REDACTED] with the gun (M249) oriented north on [REDACTED]. At all times at least one soldier was dismounted watched the approach on [REDACTED] from the East. This is the exact set up the Platoon was in on the day of the incident.

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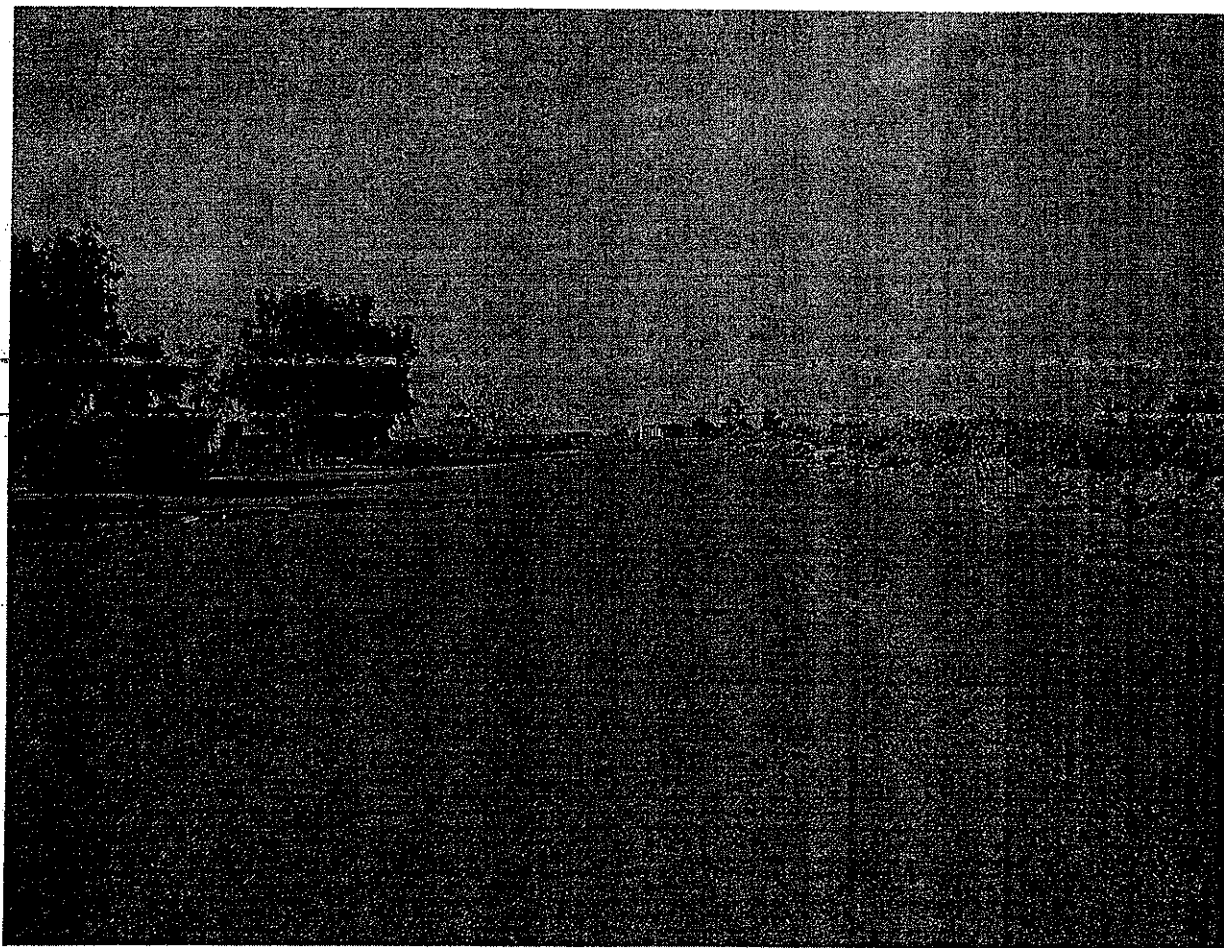
6. I observed actions of the soldiers on the check point for three hours before beginning my investigation. During the course of the morning, the two soldiers and platoon leader who were not manning one of the four assigned positions rotated between the two truck

locations. I moved between the locations and observed as well. [REDACTED] my photographer was worked into the security rotation by the squad leader. TCP3 does not serve to control traffic, but instead blocks all traffic on [REDACTED]. Civilian vehicles are not allowed to pass through the TCP. Additionally soldiers searched and accompanied local pedestrians as they passed from the north side of [REDACTED] and back during daylight hours.

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7. No traffic approached from the east on [REDACTED] and no traffic approached from the southwest on [REDACTED]. A vehicle would approach from the North on [REDACTED] at a rate of one per half hour. They would turn around and return to the north after seeing the Checkpoint. Traffic frequently approached TCP from [REDACTED] from the west. On average during daylight 10 cars per hour rounded the turn into sight at [REDACTED]. All of the cars I observed that day were traveling very slow, between 5 and 20 mph. Nine in ten cars make a left across the bridge to either head north or get on the parallel [REDACTED] at that point. The other cars proceed towards TCP 3 either to enter a farm complex to the south side of [REDACTED] or until they notice the TCP. The farm complex is the last place a vehicle can turn around. On three occasions that day I observed a vehicle that passed the farm complex and the platoon began escalation of force procedures. In all cases the vehicles quickly noticed the check point, stopped, and backed up to the farm complex to turn around. The entrance to the farm complex is adjacent to the shack in the photo below. The turn North from [REDACTED] is in the center of the photo.

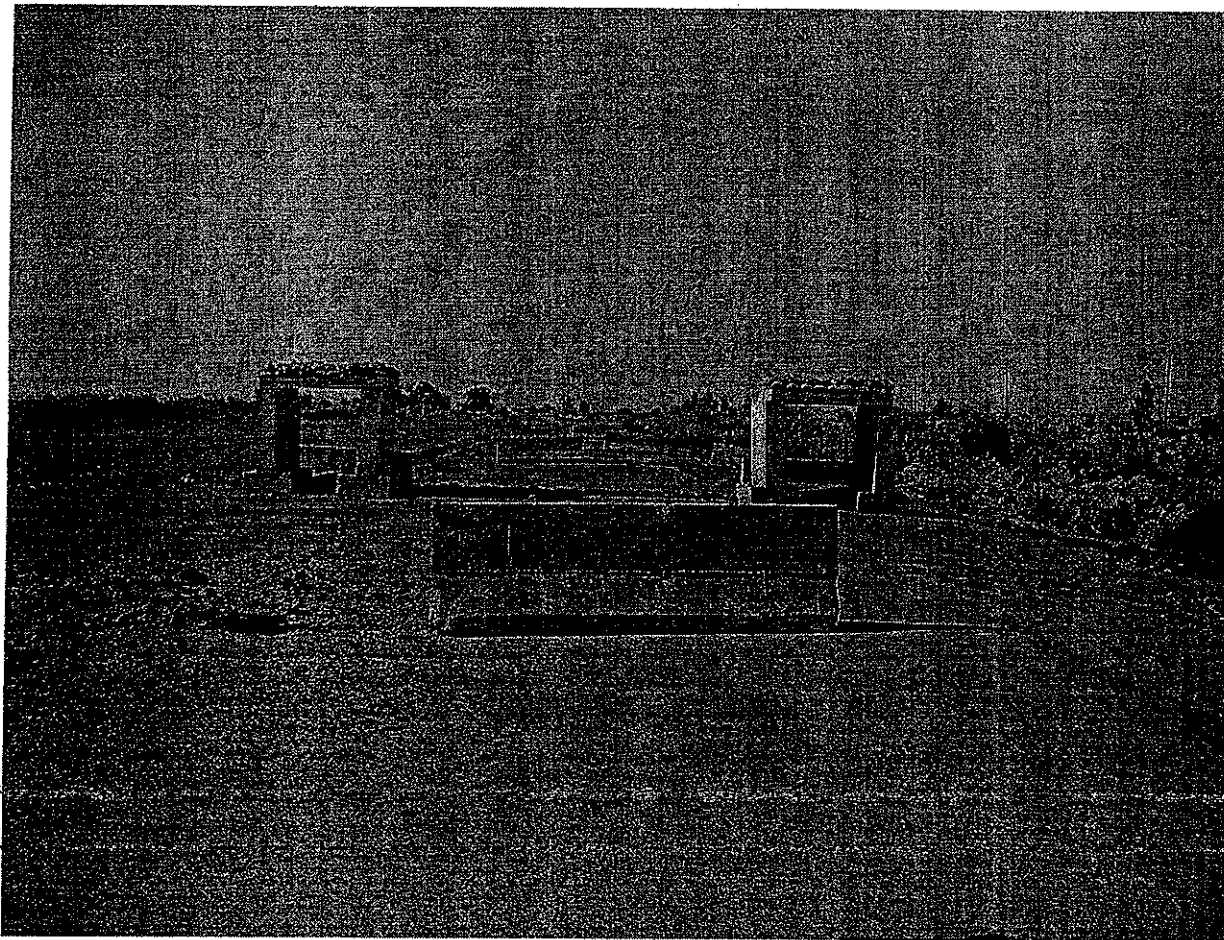
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View Looking West on Aeros from in Front of the Farm Complex

8. At 1030hrs I had the platoon leader gather the soldiers involved in the incident together. [REDACTED] took the lead in sketching all the soldiers' locations at the time of the incident. The sketch is recreated in Exhibit I. The soldiers oriented themselves in the same positions as at the time of the incident, and we talked through what they saw. The soldiers' consensus was that black taxi rounded the turn into view heading east on [REDACTED] at around 45 miles per hour with some soldiers estimating it to be much higher. [REDACTED] was the first to notice and announce the presence of the taxi to group at C16. By my calculations (Exhibit I) they executed non-lethal escalation of force for 14 seconds before firing warning shots.

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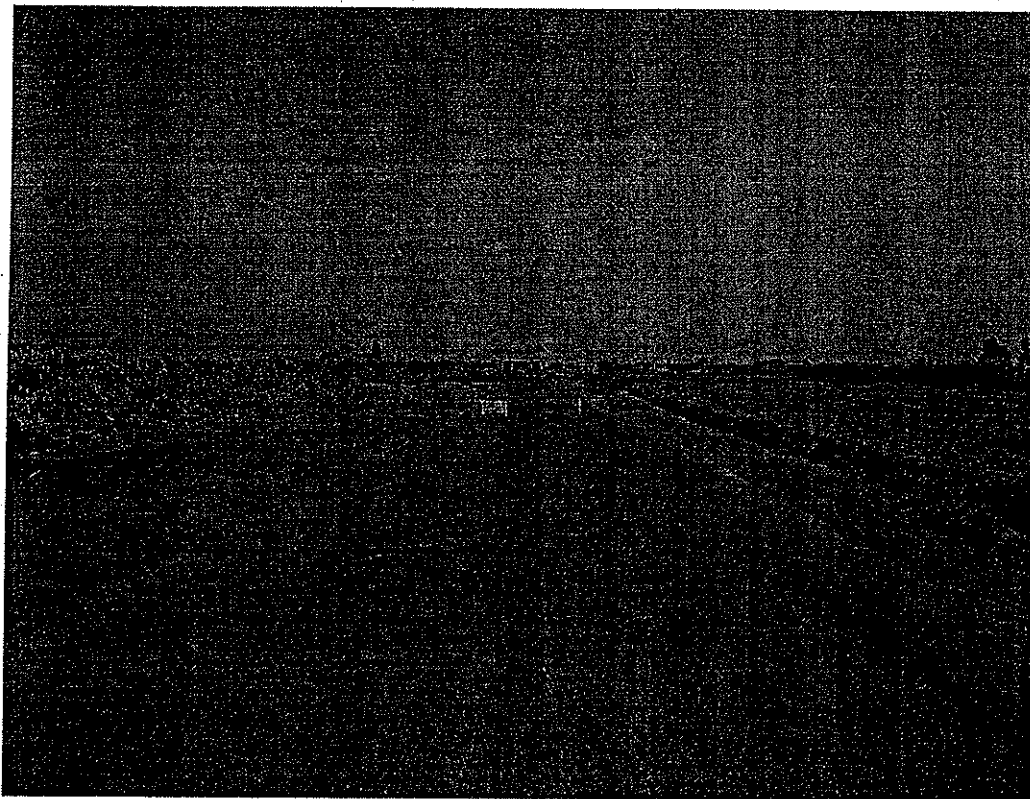
View of Soldiers from C16 looking West on [REDACTED]

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9. 1st Platoon escalation of force procedures at TCP3 are: simultaneously have the gunner shine a light while dismounts wave their arms. Follow by the showing of weapons trained on the vehicle. I observed this drill five times during the daylight hours I spent at TCP3. I individually interviewed all of the soldiers at TCP3 and they understood this clearly. [REDACTED], team leader, 3rd Squad conducted the last escalation of force training on 30 November. He received train the trainer training from [REDACTED] on 27 November. [REDACTED] is a civilian snow board instructor and has an innate talent for teaching. I observed him teaching ad hoc classes during my time with the platoon on TCP3. I believe the platoon was fully and effectively trained on escalation of force based on my interviews and observations.

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10. Below is the view from the taxi at the time the warning shots were fired. At the time of the incident the forward sign was not present nor was the cone or line of sandbags across the road.



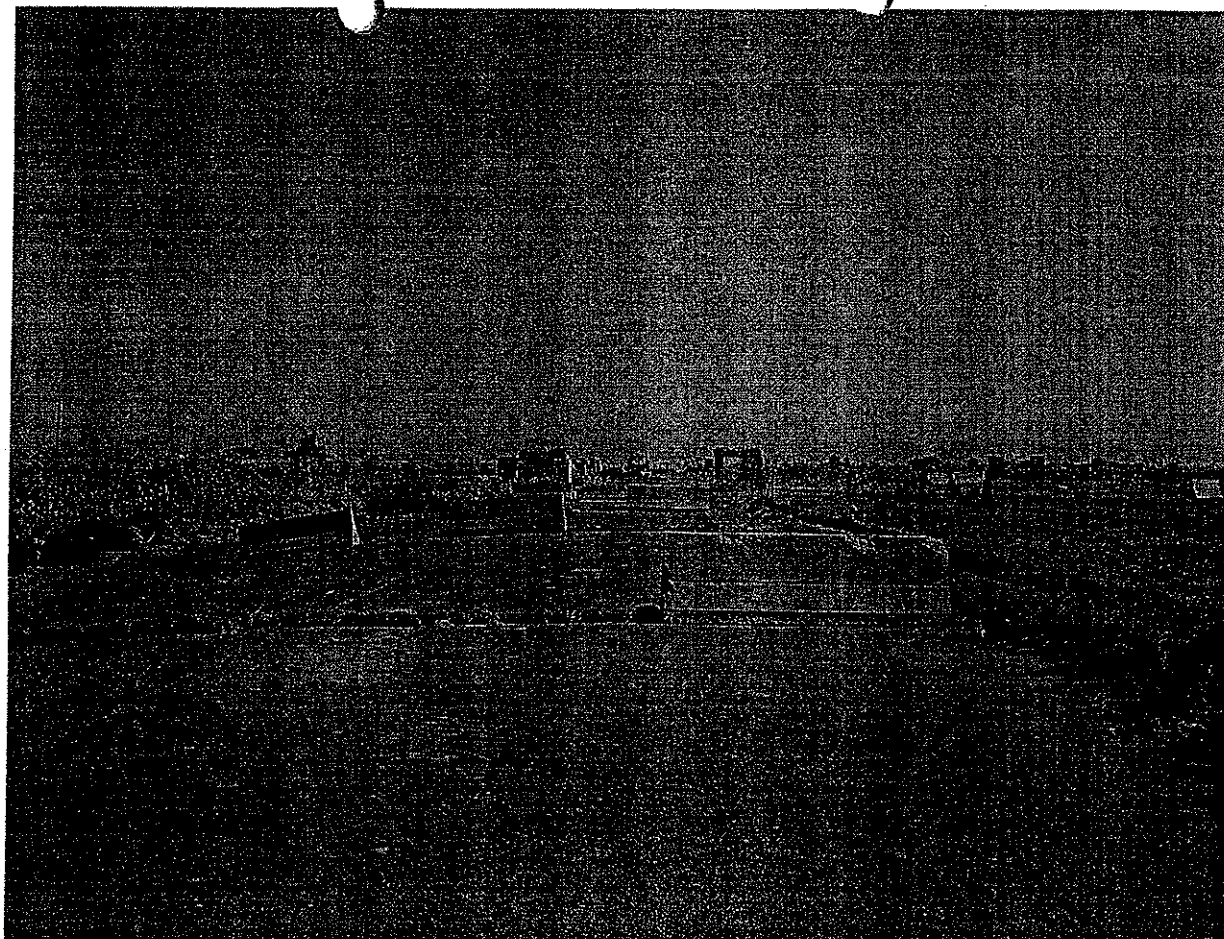
View from Taxi at the Location Where Warning Shots were First Fired

10. [REDACTED] fired the first warning shot with his M4. He was rapidly joined by [REDACTED] firing his M4 and [REDACTED] firing his M4. [REDACTED] fired four tracer rounds along the south side of the road past the taxi into a berm. [REDACTED] fired 3 tracer rounds across the road in front of taxi into a berm on the south side of the road. [REDACTED] fired two tracer rounds along the north side of the road impacting in the dirt forward of the taxi along the side of the road. By my time distance calculations, warning shots were fired for two seconds before the taxi was engaged. The taxi made no attempt to slow and no nose dive of the front of the car was observed.

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11. [REDACTED] was the first individual to shift fire to the taxi. He fired two rounds into the driver side headlight. [REDACTED] shifted fire firing two rounds into the grill and then firing two rounds through the windshield. [REDACTED] fired a seven round burst from the M240B mounted on C16 into the grill. The weapon jammed, he charged it, and fired a second short burst into the windshield as the car came to a stop. The soldiers do not recall any verbal command to shift fire to the taxi. They instinctively followed the platoon leaders actions in view of the imminent threat. The car slowed rapidly as the second burst was fired from the 240B. View east towards TCP from the point where the taxi came to a stop is below.

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View from Taxi from Where it Came to a Halt

12. Time distance calculations were verified by the presence of glass and debris remaining on the road, and I estimate the engagement took approximately four seconds from the time the first round hit the car until the taxi came to a halt. I walked the route the taxi took during the incident twice that day and fired two demonstration warning shots. The tracers produced a very quick red point effect in sunlight and they also created a large dust cloud where they struck along the side of the road. The nine warning shots from multiple M4s would have produced a clearly visible signature.

[REDACTED]
[REDACTED]
[REDACTED] EN
BTB S3

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NOTE: 2-502 refers to the paved route to the south of the canal as [REDACTED] all the way to the western boundary of the brigade sector. They refer to the dirt road north of the canal as [REDACTED]. This is in accordance with the Brigade graphics but is not the standard interpretation of CPOF graphics at their low level of resolution. As a result, the platoon was very careful when talking to other units to clarify where they were referring to in radio traffic with adjacent units.

EXHIBIT B



REPLY TO
ATTENTION OF

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



AFZB-KB-JA

22 December 2005

MEMORANDUM FOR RECORD

SUBJECT: Investigation of Reporting of EOF, 1/C/2-502 11 1515 DEC 05

1. Purpose: This memorandum documents my investigation of the reporting of the escalation of force incident at TCP3.

2. At 12 1100hrs Dec 05 I met with [REDACTED] in the 2-502 TOC to review the reporting of the escalation of force that occurred 11 1515 DEC 05. [REDACTED] was serving as the battle captain for 2-502. He gave me short class on how he inputs SIGACTs into CPOF. As an example he talked me through an ongoing event. Patrol Base [REDACTED] had just taken mortar fire with one round landing 60 meters from the platoon CP a short distance outside the wire of [REDACTED]. I was able to listen to the radio reports of clarification and observe him make the CPOF input. As we discussed CPOF input, [REDACTED] waited impatiently to file the previous days SIGACTs into folders. Since multiple significant events were ongoing, and I was slowing the process, he was delayed in his SIGACT filing.

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3. On 11 Dec the first report of the incident was the medivac call for evacuation of a local national child at 1520 hours. It was followed up with a detailed FM call explaining the actions taken at the TCP by 1530 hours. By 1545 hours, [REDACTED] had input a CPOF SIGACT into the database. This SIGACT included the escalation of force actions. At approximately 1630 the 2-502 TOC received a call from the 2BCT TOC asking for more explanation of the EOF incident. When [REDACTED] re-opened the SIGACT, the EOF procedures from the SIGACT were missing. [REDACTED] re-input the SIGACT by 1645 hours into the database, and saved a back-up copy of the text into a PowerPoint slide. [REDACTED] explained that his SIGACTs were routinely modified at a higher level after initial input. He assumed someone had deleted the initial EOF measures from the SIGACT at Brigade or Division. He stated that the FM reports of the EOF incident on 11 December were timely and accurate to his knowledge.

4. On 12 December the officers in the 2-502 TOC were faced with multiple ongoing events. Their attention was focused on correctly translating data input FM from the familiar verbal language of FM communication into the written language of CPOF SIGACTs. The cognitive process of monitoring ongoing operations and disseminating information was left to the RTOs and NCOs in the TOC while they attempted fully concentrate on updating CPOF.

5. As I left the 2-502 TOC at 1145 hours, I met [REDACTED] walking towards the BDE TOC. I asked him to accompany me to the BTB ALOC to talk through the SIGACT review process in the Brigade TOC.

6. [REDACTED] stated that the Brigade battle captains routinely review and modify SIGACTs for clarity and format to meet division guidance. Problems can occur when two CPOF operators have a SIGACT open at the same time such as BDE and BN or BDE and Division. This sometimes results in the loss of data unintentionally.

7. We moved to the BTB CPOF machine to demonstrate the actions a brigade battle captain takes upon receiving and reviewing a SIGACT from a battalion. At 1200 hours, we opened the SIGACT of the mortar fire that 2LT Countouriotis had input at approximately 1130 hours. It had been modified to say that the mortar landed 60 meters from the perimeter of [REDACTED].

8. CPOF SIGACT input procedures are cognitively intense. They demand full attention of the operator and draw him away from monitoring, disseminating and acting on ongoing information being passed via FM or Ventrillo. The process of translating verbal FM/Ventrillo communications into typed CPOF SIGACT format is significant distracter on the attention of staff officers and NCOs at the battalion level. The information contained in the internal CPOF SIGACT is already known within the battalion via FM channels and is only of use to the brigade and division level. The information lacks the clarity of the FM/Ventrillo transmission and although appears to be more precise, is often of less informational value or accuracy. The CPOF SIGACT is a brigade wide tool for dissemination of information and mechanism to pass information to division.

[REDACTED]
[REDACTED]
[REDACTED]
EN
BTB-S3

EXHIBIT C