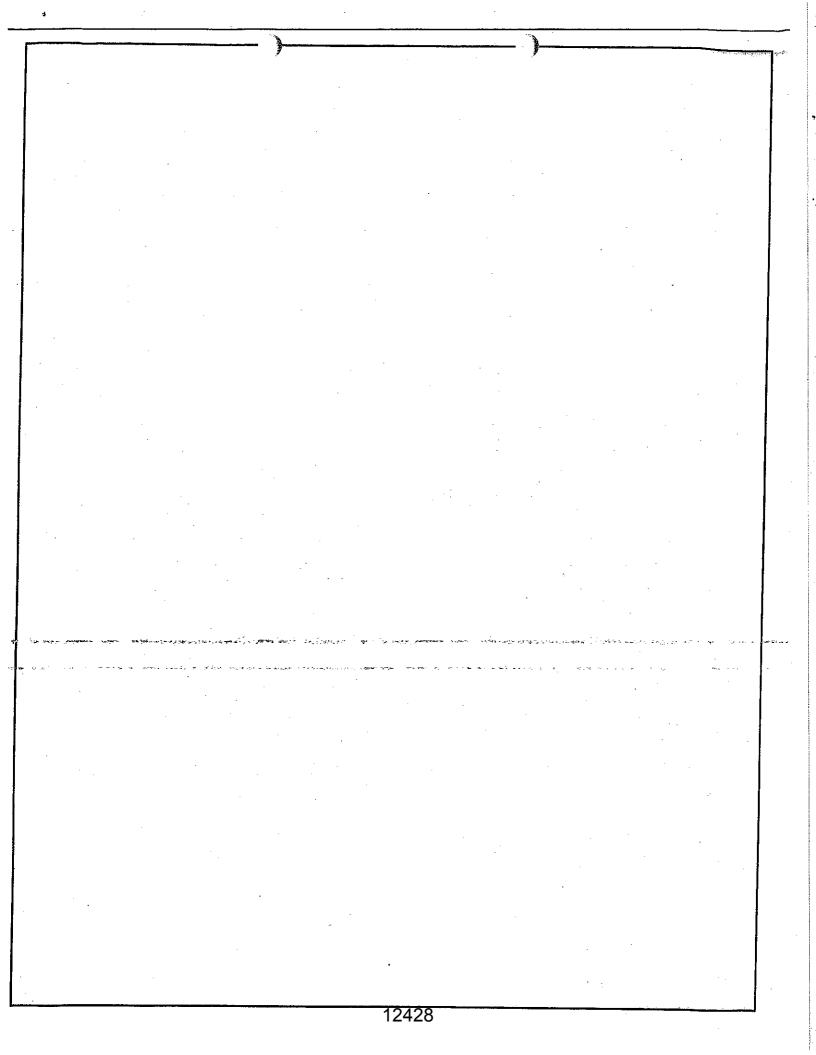
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	SECTION SECTION	I - APPOINTMENT		
Appointed by	Commander, 2d Brigade Con	nbat Team, 101st Airborne	Division (Air Assa	ult) Camp Striker, Ir
APO AE 09398		(Appointing authority)	<u></u>	
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on _ 14 December 2005	Assault in the same Is I asked of comparisoners			
(Date)	(Attach inclosure 1: Letter of appointment	t or summary of oral appointment	t data.) (See para 3-15,	AR 15-6.)
	SECTION	N II - SESSIONS		
The (investigation) (hoard) com	nmenced at Camp Striker, Iraq			0000
The Investigation found com	menced at Samp States, may	(Place)	at	0900 (Time)
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ended, the place, persons present present: (After each name, indica	t and absent, and explanation of absences, if an ate capacity, e.g., President, Recorder, Member,	y.) The following persons (mem	bers, respondents, coun	e eacn session vegun and sel) were
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Le And descriptions or diagrams included of locations visited by the investigating offices or board (pows 3-64, AR 15-6)? I location times eleptation analysis as an exhibit in its each ord stipulation on their reduced to writing and made as exhibit or recorded in a verbatin record? I location to recorded in a verbatin record? I location to record the second of a respondent or comment, is a statement of the matter of which efficial foolies was taken over the objection of a respondent or comment is a statement of the matter of which efficial foolies was taken attached as an exhibit (pows 3-164, AR 15-6)? B. COMPLETE ONLY FOR PORDMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)? I have a quarter present access on the board quarter of elemental participants bud read, the letter of appointment (pows 5-18, AR 15-6)? Were members, witnesses, responds and interpretes away 5-18, AR 15-6)? Were members, witnesses, responds and interpretes away 18, AR 15-6)? I was a quarter, witnesses, responds an interprete away 18, AR 15-6)? I was a manufacture describe how they intelligated parts 3-14, AR 15-6)? I was a manufacture describe how they intelligated parts 3-14, AR 15-6)? I was a manufacture describe how they intelligated parts 3-14, AR 15-6)? I was a power described to with primitarized themselves with that evidence favor 3-14, AR 15-6)? Notice to respondents (pows 5-18, AR 15-6). I was the described of delivery as teach with was expendent indicated as a second of delivery as teach with was expendent indicated as a second of delivery as teach with was expendent indicated as a second of the board? (a) the matter to be investigated, including appropriate the expondent; if any? (b) the respondents and place of the first session of the board concerning that respondent? (c) the matter to be investigated, including appropriate the septiment of the board? (d) the matter to be investigated, including appropriate the septiment of the board? (e) the respondent provided a confidence provident and his counted for the conc		d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?			
F teach written stipulation stateched as an exhibit and is each ond stipulation either reduced to writing and made an exhibit or provided in a verbaline record?	ı	e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?		 	~
F. Heffield notice of any matter was taken over the objection of a respondent or counted, as attainment of the matter of which forficial notice was taken attached as an exhibit flowar 3-16d, AR 15-60? Was a quorum present when the board voted on findings and recommendations flowars 4-1 and 5-2b, AR 15-60? At the limital session, 4dd the recorder read, or detormine that all participants lead read, the letter of appointment (pura 5-3b, AR 15-60)? Was each size of the property occused by matter and 10 participants lead read, the letter of appointment (pura 5-3b, AR 15-60)? Was each size 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 flowar 3-2d, AR 15-60)? Possible to respondents flowar 5-3c, AR 15-60] CoMPLETE ONLY IV PRESPONDENT WAS DESIGNATED (Section II. Chapter 5. AR 15-60)		f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an			
Second Process of the second of the second vector of the second of the		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 (page 3-16d, AR 15-6)?			-
B. COMPLETE ONLY FOR PORNAL BOARD PROCEEDINGS (Chapters 5. AR 13-6)? 4 At the initial season, did the crocival read, or determine that all participants had read, the letter of appointment (para 3-3b, AR 13-6)? 5 Was a quorum present at every session of the board (para 5-3b, AR 15-6)? 7 Were nambers, witnesses, reporter, and interpreter sworn, if required (para 3-1b, AR 13-4)? 8 If any members who word on findings or recommendations were not present when the board received some evidence, does the inclusive describe how the familianced themselves with that evidence (para 5-2b, AR 13-6)? 8 C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 13-6). 9 Notice to respondent (para 3-1b, AR 13-6). 1 So was the late of delivery to the respondent indicated on each letter of notification? 2 Note to the order of every thing days prior to the first session of the board concerning that respondent? (2) the matter to be investigated, including specific ellegations against the respondent? (3) the respondent's rights to with respondent provides against the respondent? (4) the anne and address cache witness sepsion of the board concerning that respondent? (5) the respondent sights with regard to counse? (6) the respondent sights with regard to counse? (7) the respondent sights with regard to counse? (8) the respondent sights to be present, pretent evidence, and call witnesses? 4 Was the respondent provided a copy of all undissified documents in the case file? 7. If there were relevant classified materials, were the respondent in the case file? 8. Was a second of proceedings and evidence received in this absence made available for examination by him and bis counsel (para 3-6, AR 15-6)? 8. Was record of proceedings and evidence received in his absence made available for examination by him and bis counsel (para 3-6, AR 15-6)? 8. Was each respondent represented by counsel? 9. Was the respondent given an expected with the proceedings? 10. If any respondent is a largely challenged cease to par	1				_^
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Gost the inclosure describe how they familiarized themselves with that evidence (pare 3-24, AR 15-6)?		were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?			
C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6) 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? (3) the respondent's rights to witness expected to be called by the recorder? (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's rights to be present, present evidence, and call witnesses? d. Was the respondent's rights to be present, present evidence, and call witnesses? d. Was the respondent's rights to be present, present evidence, and call witnesses? d. Was the properly notified (para 5-5, AR 15-6)? 8. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-6, AR 15-6)? a. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-6, AR 15-6)? a. Was respondent represented by counsel? Name and business address of counsel: If counsel is a lawyer, check hiere [] } b. Was the condent so counsel present at all open sessions of the board relating to that respondent? If the respondent challenge properly dehicd and by the appropriate officer? b. His demindence on it included in the penty (para 5-6, AR 15-6)? a. Was the challenge properly dehicd and by the appropriate officer? b. His demindence on the included in the penty (para 5-6, AR 15-6)? a. Was the respondent counsel make a final statement or argument (para 5-9, AR 15-6)? b. His demindence of the recorder and object to the introducion	×	If any members who voted on findings or recommendations were not present when the board received some evidence,			
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	SECTION IV - FINDINGS	(para 3-10, AR 15-6)		and the state of the state of
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			SEC	TION VII -	MINORITY F	REPORT (para 3-13, AR	15-6)			
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			SECTION VIII	- ACTION	BY APPOIN	TING AUTH	iORITY (pai	a 2-3, AR 15-0	5)		
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Ch. Jnology of Activities

Date	Time	Location	Activity
	1805	Motorpool	informed me that has called the ALOC looking for me
	1815	Motorpool	Was able to reach was reference AR 15-6
]	1825	BTB ALOC	Proceeded to BDE TOC after counseling Battle NCO on not relaying message
11-Dec	1835	BDE TOC	Received guidance for AR 15-6
-	1845	2-502 TOC	
•	1910	2-502 TOC	inet with
		_	Met with courside HQ and explained my mission and guidance
	0330	Motorpool	Observed TFIC PCCs and Patrol Brief
ĺ	0700	BDE TOC	BDE BUB
	0830	BDE SJA	Met with and received guidance
	0930	BTB ALOC	
I	0950	2-502 TOC	
	1030	BDE SURG	
	1100	2-502 TOC	Had had he explained SIGACT input process and demonstrated
12-Dec	1145	BTB ALOC	Interviewed on SIGACT process at BDE Battle Captain level, Reviewed
	1		SIGACT I had witnessed 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		Met with 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
	2300		Met with ref upcoming Air Assault and support required
	0430	Motorpool	Met with and debriefed Air Assault returnees
i	0520	BTB ALOC	
	0600	C/2-101 TOC	Met with discussed engineer support to infantry missions and plan for my
			visit with 1st Platoon to TCP3 and set 1400 linkup
13-Dec	0715	Trailer	Saw ref my illness
13-Dec	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
	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
14-Dec			having to return the Buffalo to MANTECH
والممنع واستاه	1245	Motorpool	Buffalo 016 now has lights installed and ready to go on road
•	1315		Coordinated with C Co TOC for movement to TCP.3 - nonscheduled, 1st-Plateon-
	AND THE PARKS	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	mission on CP8 extended through end of elections
ļ	1800	BTB ALOC	Went to ALOC to check on FREW injury CCIR
ŀ	2000	Trailer	Went to sleep due to illness
	0400	Motorpool	Received Operations brief from A Co
}	0500	···	Coordinated for mission to TCP3 with 1st Platoon - none scheduled
ŀ	0700		Attended BUB
}	0800	BTB ALOC	Caught up on paperwork from staff, SIPR and email
15-Dec	1200	Motorpool	Prep for M113A2 Maintenance meeting with Co XOs and Primary Staff
10-060	1400	Motorpool	Maintenance Meeting
-	1700		Paperwork, SIPR, Email - monitored status of A Co XO movement to Balad for Buffalo
	1700	BIBALUC	
<u> </u>	4000	Tanilan	glass to bring up Buffalo 006
	1900	Trailer	Went to bed
	0.445	3.4 _ 4	
_	0415	Motorpool	Observed Patrol Brief for TFIC, discussed maintenance status
ļ.	0830	MANTECH	Went to coordinate final repair of Buffalo 006 parts
-		MANTECH Add-on-Armor	Went to coordinate final repair of Buffalo 006 parts Delivered parts and coordinated for delivery of Buffalo 016 for prototype installation of
	0830 0930	MANTECH Add-on-Armor	Went to coordinate final repair of Buffalo 006 parts Delivered parts and coordinated for delivery of Buffalo 016 for prototype installation of Add on Armor L-Rod Aluminum kit
16-Dec	0830 0930 1330	MANTECH Add-on-Armor Motorpool	Went to coordinate final repair of Buffalo 006 parts Delivered parts and coordinated for delivery of Buffalo 016 for prototype installation of Add on Armor L-Rod Aluminum kit Coordinated with C/2-502 for next day's mission
16-Dec	0830 0930 1330 1500	MANTECH Add-on-Armor Motorpool BTB ALOC	Went to coordinate final repair of Buffalo 006 parts Delivered parts and coordinated for delivery of Buffalo 016 for prototype installation of Add on Armor L-Rod Aluminum kit Coordinated with C/2-502 for next day's mission Prepared notes and reviewed interview plan
16-Dec	0830 0930 1330 1500 1700	MANTECH Add-on-Armor Motorpool BTB ALOC Mess Hall	Went to coordinate final repair of Buffalo 006 parts Delivered parts and coordinated for delivery of Buffalo 016 for prototype installation of Add on Armor L-Rod Aluminum kit Coordinated with C/2-502 for next day's mission Prepared notes and reviewed interview plan Ate dinner
16-Dec	0830 0930 1330 1500	MANTECH Add-on-Armor Motorpool BTB ALOC Mess Hall BTB ALOC	Went to coordinate final repair of Buffalo 006 parts Delivered parts and coordinated for delivery of Buffalo 016 for prototype installation of Add on Armor L-Rod Aluminum kit Coordinated with C/2-502 for next day's mission Prepared notes and reviewed interview plan



Ch. Jnology of Charles Ctivities

Date	Time	Location	Activity
	0330	Motorpool	Coordinated with A Co about Maintenance plan and Husky Training Plan
	0500	BTB ALOC	Reviewed SIGACTs, FRAGO, Email, SIPR, coordinated with
17-Dec		ļ	photographer for mission at TCP3
11-060	0630	Motorpool	Linked up with 1/C/2-502 and attended patrol brief
1	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)
	0715	Motorpool	Returned from Mission
	0800	Motorpool	Backbriefed CDR C/2-502,
	0900	BTB ALOC	Reviewed SIGACTs, FRAGO, Email, SIPR continued working on AR 15-6
18-Dec	1145	Mess Hall	Ate Lunch
	1300	Motorpool	Received Backbrief on TFIC missions, Husky training and progress of Buffalo 016 at
	4500	DED 41.00	Add-on-Armor from A Co
	1500	BTB ALOC	Received informal backbriefs from ALOC staff
	1645	Trailer	Went to bed to read "Reckoning" and sleep
	0345	Motorpool	Observed TFIC PCCs and Patrol Brief
	0600 0700	BTB ALOC BDE TOC	Reviewed SIGACTs, FRAGO, Email, SIPR Attended BUB
	0830	BDE TOC	Reviewed my findings and notes with
19-Dec	1130		Began working on AR 15-6
1	1400		Went to see completion and release of Buffalo 016 with Aluminum Add on Armor kit
1	1700	BTB ALOC	Reviewed Events of the Day
	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
20-Dec	1030	BTB ALOC	Reviewed preparations for arrival of
	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
	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
24-Deo	1130	Mess Hall	Ate lunch with
	1300		Attended C/2-101 Change of Command
tower, t mandered to the	1430		Began working on AR 15-6 Arranged for modifications to Steel Add-on-Armor kit on Buffalo 006 and discussed
	1545	Add-OH-AHHOL	ONS to add thermal viewing capability to Buffalo
}	1815	BTB ALOC	Reviewed SIGACTs, FRAGO, Email, SIPR continued working on AR 15-6
-	1930		Went to Bed, Read "Reckoning," slept
	0330		Observed TFIC preparation, discussed possibility of putting Knight Team system in
	0000		EOD escort vehicles and Buffalo
f	0600 ·		Reviewed SIGACTs, FRAGO, Email, SIPR continued working on AR 15-6
ŀ	0730		Attended last half of Brigade BUB
	0815		Conferred with and a second on AR 15-6 and handed off prep of products
22-Dec	1030		Accompanied KBR rep on tour of ongoing tank trail/running track and drainage
			products, continued to Add-on-Armor and secured parts
ļ-	1300		Continued working on AR 15-6
·	1500		Switched to Monitoring Current fight of TFIC on Motorhead
.	1600		OER Counseling with Team 6
ļ-	1700		Went back to current fight
L	·		

Chi Jnology of Activities

Date	Time	Location	Activity
_	0445	Motorpool	Briefed TFIC on mission at Route Caveman
	0645	526 FSB	Met with control 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
22-Dec	1100	BDE Area	Met with E/1-22 IN supply sergeant and introduced to 1-75 and A Co 2-101
22-Dec	1400	Trailer	Went to sleep due to illness
	1630	Motorpool	Backbriefed on TFIC mission vicinity of
	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
	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
	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
Ì	1215	BTB ALOC	Worked on AR 15-6
	1330	BDE SJA	Met with to complete AR 15-6

Sequence of Events

a. 1 st Platoon, C/2-502 was ma		
	manned the M240B mount	ed in the turret oriented
	The platoon leader,	and
was standing to the right (nort	h) of the M1114 and	was standing to
the left (south) of the vehicle.		
b. At 1515 hours,	irst noticed a black taxi ap	proaching at a
unusually high rate of speed fr		
dismounted soldiers began wa		
After the vehicle had traveled		
first of nine total warning shot		
both fired into di	rt berms along their respecti	ve sides of the road.

c. Two seconds later 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.

fired across the road in front of the taxi into another berm.

- 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.

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 (possessed ID)
 Male passenger (Grandfather) (possessed ID)
 Female passenger (Grandmother) (possessed ID)
 Female passenger (mother) (possessed ID)
 Child (possessed ID)
- 6. The passengers were searched and no weapons were found.

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7. Reporting from Platoon to Company and from Company to Battalion was correct and timely. CPOF SIGACT input happened with 15 minutes, but data was either lost or modified. The SIGACT was input again one hour later.

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 the transfer and the company is having more signs made so that there will be an ample supply for both this mission and other ongoing company missions.
- 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 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.
- 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.



JEPARTMENT OF THE ARMY

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



REPLY TO ATTENTION OF

S: 22 December 2005

AFZB-KB-JA

14 December 2005

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

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 and the Brigade Annex for an initial legal briefing. He will serve as your primary legal advisor and can be reached at VOIP 242-4342.

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.

2

EXHIBITS

- A. MFR 22 DEC INVESTIGATION OF INCIDENT
- B. MFR 22 DEC INVESTIGATION OF REPORTING
- C. STATEMENT OF
- D. STATEMENT OF
- E. STATEMENT OF
- F. STATEMENT OF
- G. STATEMENT OF
- H. STATEMENT OF
- I. TCP LAYOUT AND TIME DISTANCE CHART
- J. EOF SIGACT SLIDE
- K. 2-502 STORYBOARD

EXHIBIT A

REPLY TO ATTENTION OF

DEPARTMENT OF THE ARMY

HEADQUARTERS, 2D BRIIGADE & 502D INFANTRY REGIMENT 1018T AIRBORNE DIVISION (AIR ASSAULT)
CAMP STRIKER, IRAQ APO-AE 09398



AFZB-KB-JA

22 December 2005

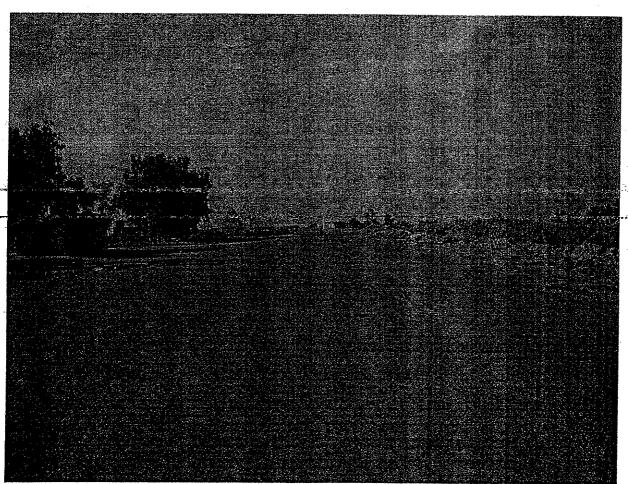
MEMORANDUM FOR RECORD

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

- 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. On the 17th of December, 1st Platoon had the same mission for roughly the same duration on the day of the incident.
- 3. At 0630, I linked up with the Platoon Leader, and and his NCOs for the patrol brief. I was accompanied by 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 the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the contr
- 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 to vicinity Uday's Farm at 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.
- 5. The platoon leader, and six other soldiers remained at TCP 3. One gun truck, C16, was stationed heading east at the intersection of the south of C16 was oriented west on Aeros with the gun (M240B) oriented down on a 273 degree azimuth. At all times at least one soldier was dismounted to the south of C16 watching the approach from the south of C16 watching the approach from the was located at intersection of the south of C16 watching the approach on the south of C16 watching the approach on the south of the south of C16 watching the approach on the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south of the south o
- 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

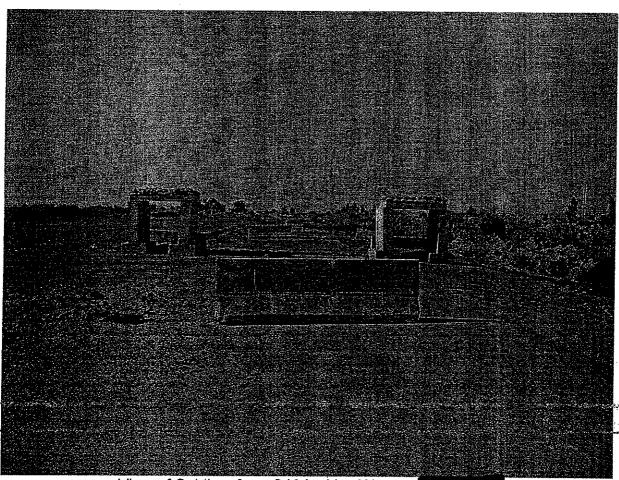
photographer was worked into the security rotation by the squad leader. TCP3 does not serve to control traffic, but instead blocks all traffic on leading. Civilian vehicles are not allowed to pass through the TCP. Additionally soldiers searched and accompanied local pedestrians as they passed from the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

7. No traffic approached from the east on and no traffic approached from the southwest on . A vehicle would approach from the North on 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 the west. On average during daylight 10 cars per hour rounded the turn into sight at 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 at that point. The other cars proceed towards TCP 3 either to enter a farm complex to the south side of property 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 sin the center of the photo.



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. 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 at around 45 miles per hour with some soldiers estimating it to be much higher. 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.



View of Soldiers from C16 looking West on

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. It is a civilian show board conducted the last escalation of force training on 30 November. He received train the trainer training from the soldiers are in a civilian show 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.

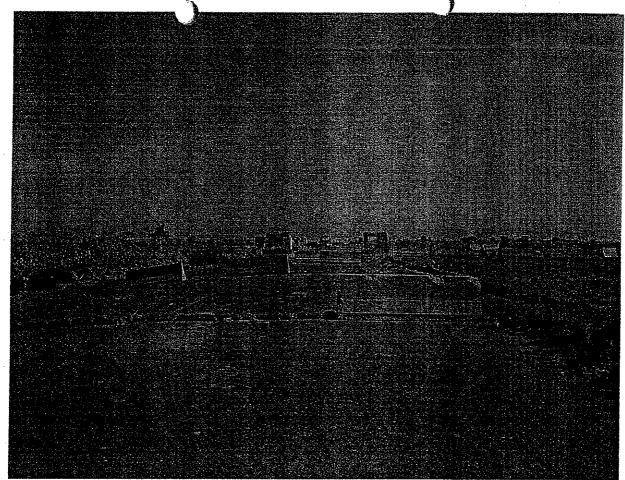
10. Below is the view from the taxi at the time the warning shots were fired. At the time of the incident the forward sign was not present nor was the cone or line of sandbags across the road.



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

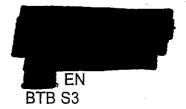
firing his M4 and the first warning shot with his M4. He was rapidly joined by firing his M4 and the south side of the road past the taxi into a berm. Fired 3 tracer rounds across the road in front of taxi into a berm on the south side of the road. Fired two tracer rounds along the north side of the 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.

11. We was the first individual to shift fire to the taxi. He fired two rounds into the driver side headlight. Shifted fire firing two rounds into the grill and then firing two rounds through the windshield. Size of 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.



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.



NOTE: 2-502 refers to the paved route to the south of the canal as all the way to the western boundary of the brigade sector. They refer to the dirt road north of the canal as a transfer of 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 BRIIGADE & 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 reporting of the escalation of force that occurred 11 1515 DEC 05. 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 had just taken mortar fire with one round landing 60 meters from the platoon CP a short distance outside the wire of the radio reports of clarification and observe him make the CPOF input. As we discussed CPOF input, 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.
- 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, 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 re-opened the SIGACT, the EOF procedures from the SIGACT were missing. In reinput the SIGACT by 1645 hours into the database, and saved a back-up copy of the text into a PowerPoint slide. It is 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 TOU at 1145 hours, I met was 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.



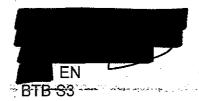
6. SIGACTs for clarity and format to meet division guidance. Problems can occur when two CPOF operators have a SIGACT open at the same time such as BDE and BN or BDE and Division. This sometimes results in the loss of data unintentionally.



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



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.



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EXHIBIT C