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DEPARTMENT OF THE ARMY
HEADQUARTERS, 56th REGIMENTAL COMBAT TEAM
CAMP LOYALTY, IRAQ 03390



REPLY TO
ATTENTION OF

AFZB-KG-SJA

MEMORANDUM FOR RECORD

SUBJECT: Acknowledgement of Receipt

EX 6
[REDACTED] Company B, 3-67 AR BN, hereby acknowledge receipt of the
Memorandum of Admonishment at 1451 hours on 1 April 2001 (date).

[REDACTED]
SSG USA
[REDACTED]

EX 4



DEPARTMENT OF THE ARMY
HEADQUARTERS, 1ST BATTALION, 187TH INFANTRY REGIMENT
101ST AIRBORNE DIVISION (AIR ASSAULT)
FOB SUMMERALL, APO AE 09349

AFZB-KC-GC

06 April 2006

MEMORANDUM FOR: Commander 3rd Brigade Combat Team, 101st Airborne Division (Air Assault),
FOB Speicher, APO AE 09309

SUBJECT: 15-6 INVESTIGATION FINDINGS

1. On 04 March 2006 I, CPT [REDACTED] was directed to conduct an investigation in accordance with AR 15-6 in the matters surrounding the escalation of force on 03 APR 06 involving the Mortar Platoon, 1-187th Infantry Regiment. Specifically, to determine if the escalation of force was justified and procedures that should be either sustained or improved to mitigate further EOFs.

2. Facts. The mortar platoon patrol consisting of four vehicles was traveling East along [REDACTED] a two lane road through the urban area of Bayji, enroute to the Bayji Main Police Station. The patrol frequents this area and was patrolling the area in response to the recent killings that occurred in neighborhoods nearby. At 2035, the patrol encountered a black four door sedan traveling West towards them along the same two way road (see exhibit A and B). The platoon leader's vehicle was in the lead of the patrol (see exhibit A & D). As the car approached the patrol leader began to conduct escalation of force procedures using the headlights and gunners spot light. With the vehicle approaching to within 100 meters of the patrol, the driver flashed his lights, the gunners flashed his turret mounted high powered spot light and shined his high power visible green laser (see exhibit B and C). The vehicle did not stop approaching the patrol so the patrol leader stopped his patrol in the road, turned on the siren of his vehicle for a verbal warning and continued to flash their vehicle's lights. The vehicle still failed to stop (exhibit A). When the vehicle was within 50 meters and showed no sign of stopping or slowing down the gunner fired one burst with his M240-B as a disabling shot (see exhibit A). With the patrol stopped and the vehicle still moving forward and entering the lead vehicle's safe zone, the patrol leader gave the order to fire again and the gunner fired into the right hand side of the windshield (see exhibit A, B, and C). The vehicle stopped after the second burst of fire when it hit a light pole along the side of the road about 25 meters from the patrol, and the patrol leader ordered all the Soldiers to remain in their vehicles because he was convinced it was a VBIED as seen the previous day in the city (See exhibit A). The patrol observed tracer fire near their location so they moved to investigate, when they returned to the scene the police were on site and found out that the vehicle was not a VBIED and that the car was a right hand drive car with 1 KIA and 1 wounded 2ND BN FSU members from Tikrit (see exhibit A).

3. Findings. Based upon the facts, I find the following:

a. Positive Identification is defined as [REDACTED]
[REDACTED] Within the past three days we have had reports of possible VBIEDs in our area. Two days ago we had a VBIED explode in Bayji on an SIB officer traveling through our area, and on the day of the incident had a large explosion to our west along ASR Phoenix that we have had unconfirmed reports was a VBIED. Historically and in just the past few days there has been a viable and actual threat of VBIEDs with in the area. Normally, a LN vehicle will stop, pull to the side of the road, and wait for further guidance from a CF vehicle. At night when a LN vehicle encounters an oncoming vehicle flashing its lights, they assume them to be a coalition force vehicle and pull to the side of the road. In this case the vehicle did not act in accordance with typical LN actions. That coupled with the recent

VBIED, unknown explosion, and intelligence report led the patrol to identify the vehicle as a VBIED. In fact after the
AFZB-KC-GC
SUBJECT: 15-6 INVESTIGATION FINDINGS

shooting occurred the patrol leader ensured that all his men remained in the vehicles because he was sure the vehicle was a VBIED (see exhibit A). Given this, it was reasonable for the patrol leader to assume that the vehicle posed an imminent threat to his vehicle and the patrol.

b. Use of Graduated Measures of Force is defined as follows: (1) shout verbal warnings to halt; (2) show your weapon and demonstrate intent by raising his weapon to use it; (3) block access or detain; (4) shoot to disable; (5) shoot to eliminate threat. In this case, the lead vehicle of the patrol utilized a high power spotlight, a visible green laser, flashed the lights from dim to bright, and sounded their siren so that the vehicle would recognize them as Coalition forces and respond to the established procedures of stopping clear of the patrols protective bubble. Too further graduate the response prior to using deadly force the patrol halted. The halt was an unnecessary and potential hazardous for patrol, but provided yet another chance for the potential threat vehicle to avoid further escalation. While stopped the gunner fired his disabling shot (see exhibit A, B, and C). When the vehicle still failed to stop, the patrol fired one burst of machine gun fire into the hood of the vehicle to disable it. When the vehicle continued to move towards the patrol, unchanging its speed, the patrol leader's gunner fired, on order, to eliminate the threat which resulted in killing the driver. The patrol used three types of visible warning devices and one type of audible devices and even stooped their vehicles prior to engaging the vehicle. Reviewing the scenario and having a hot wash with the lead vehicle crew, I find that the patrol exceeded the normal escalation of force measures prior to reaching the point of using deadly force (disabling shots) and the use of force.

Ex. 1

4. Recommendations.

a. Continue the following procedures:

(1) The platoon conducted an Escalation of Force briefing with scenarios prior to the patrol. Upon completion of the patrol the platoon conducted an After Action Review also covering Escalations of Force in accordance with the published Leader TACSOP.

(2) The platoon also received refresher training under the supervision of the CSM and 1SG on all escalation of force procedures per SOP.

(3) The Platoon Leader conducted a one on one hot wash with the BN Commander.

b. Refine the following procedures:

(1) Remind the local sheiks of the need to obey CF signals and the known highway SOP.

(2) Reinforce the general policy with regards to EOF during night time operations at the next commander's update.

Escalation of Force

042035MAR06



Ex 2
Ex 2

Disabling Shots

EXHIBIT D

1808- TF Leader (MTR/1-187) departs FOB Summerrail enroute for the Bayji Main Police Station.

2035- Mortar Platoon reports an Escalation of Force. While traveling East of [REDACTED] the patrol encountered a vehicle traveling towards them. The patrol went through an Escalation of Force by flashing a high power spot light, shining a visible green laser, flashing their vehicle headlights, and blaring their siren. By this time the patrol had come to a halt. When the vehicle was within 50 meters and still failed to stop, the patrol fired one burst from a M240B into the hood of the vehicle. The car still failed to stop and was well within 50 meters of the patrol. Historically, VBIEDs have come in waves in the Bayji area. On 02APR06, a VBIED went off in Bayji resulting in units being on a high alert for a possible VBIED attack. Believing the oncoming vehicle was a potential VBIED, the gunner fired a second burst into the windshield of the vehicle killing the driver. TF Leader later confirmed that the two individuals in the vehicle were both members of the ESU.

2108 - The Bayji IP arrives at the scene to assist the passenger of the vehicle.

2123- Mortar Platoon continues mission.

2359- Mortar Platoon returns to FOB Summerrail.

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 2851; E.O. 8397 dated November 22, 1943 (SSN).	
PRINCIPAL PURPOSE:		To provide commanders and law enforcement officials with means by which information may be accurately identified.	
ROUTINE USES:		Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.	
DISCLOSURE:		Disclosure of your social security number is voluntary.	
1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
[REDACTED]	2006 04 04	2035	
5. LAST NAME	6. SSN	7. GRADE/STATUS	
[REDACTED]	[REDACTED]	C-2	
8. ORGANIZATION OR ADDRESS			
H-2C-167 770 OCT 101-2 Clyn			
9. [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:			
<p>At about 2035 on 4 April the platoon was moving from West to East along [REDACTED] in northwest Baiji. A local national vehicle approached from the opposite direction and did not respond to our escalation of force. The gunner used both a high power spotlight and a green (visible, not IR) laser, the driver flashed the headlights from bright to dim and back rapidly, and [REDACTED] activated the siren. The car never even slowed down. The gunner, [REDACTED] said "dim shooting" and I told him to go ahead. At about 50 meters he put the first rounds from his M240 into the head of the car. At this time our vehicle was completely stopped to try to give the guy every opportunity to turn away. Even after the first rounds hit his car the driver neither slowed nor changed direction. [REDACTED] walked the rounds up into the windshield and killed the driver on the right side of the car. The driver's own right is now a right side driven car. The car only changed direction after the driver was hit in the head. I was still sufficiently convinced that the car was a VBIED that I ordered everyone to stay in the truck and we waited for the car to explode. About this time we also saw tracers and heard gunfire from the east. Some of the tracers passed directly over our trucks. We went to investigate the tracer fire, found nothing, and returned to the scene.</p>			
10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT		PAGE 1 OF 2 PAGES
A	[REDACTED]		
ADDITIONAL PAGES MUST CONTAIN THE READING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED]"			
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.			

STATEMENT OF

TAKEN AT

Baghdad, Iraq

DATED

April 26

9. STATEMENT (Continued)

of the EOF. We then found out that the driver and passenger, who none of us saw the first time, were from 2nd Battalion, ESH. Their names were Ra'ad Ebrahim Hamadi who also had a "friend of Dillinger" IO card, and Ahsoan A. A. The IO card only said "AA", and I didn't get his name from the survivor. Nothing follows

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 INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]
(Signature of Person Making Statement)

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

at _____

[REDACTED]
(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

PAGE 2 OF 2 PAGES

SWORN STATEMENT			
For use of this form, see AR 190-45; the proponent agency is DDCSOPS			
PRIVACY ACT STATEMENT			
AUTHORITY:		Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).	
PRINCIPAL PURPOSE:		To provide commanders and law enforcement officials with means by which information may be accurately identified.	
ROUTINE USES:		Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.	
DISCLOSURE:		Disclosure of your social security number is voluntary.	
1. LOCATION	2. DATE (YYYYMMDD)	3. TIME	4. FILE NUMBER
BAYJI, IRAQ	20060404	20:35	
5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	7. GRADE/STATUS	
[REDACTED]	[REDACTED]	E-5	
8. ORGANIZATION OR ADDRESS			
1/167 HHC MTRs.			
9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:			
<p>WHILE TRAVELING DOWN [REDACTED] AT ABOUT 20:35, A CAR CAME AT OUR TRUCK. THE GUNNER FLASHED THE SPOT LIGHT AND AT THE SAME TIME I WAS FLASHING MY BRIGHTS OFF AND ON. THIS WAS AT ABOUT 100-75MTRS. THEN THE GUNNER HIT HIM WITH THE GREEN LASER. AT THE SAME TIME THE LT. HIT THE SIREN A FEW TIMES. THE DRIVER OF THE CAR SPEED DID NOT DECREASE. AT ABOUT 50MTRS OR SO THE GUNNER [REDACTED] FIRED A FEW ROUNDS AT THE HOOD. THE CAR DID NOT STOP. SO THEN HE FIRED I'D SAY 10-12 ROUNDS IN TO THE WINDSHIELD, HITTING THE RIGHT SIDE OF IT. THE CAR ENDED UP BEING A RIGHT SIDE DRIVER CAR. THEN THE T.C. [REDACTED] TOLD ME THE DRIVER, TO HEAD TOWARDS E-W BRIDGE. BECAUSE SHOTS WERE FIRED AROUND ARE LOCATION. THEN WE WENT BACK AND CORDONED THE AREA. WERE THEN THE LT. [REDACTED] DID HIS INVESTIGATION. [REDACTED]</p>			
10. EXHIBIT	11. SIGNATURE OF PERSON MAKING STATEMENT		PAGE 1 OF 2 PAGES
B	[REDACTED]		2
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED]"			
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.			

Ex 6

Ex 6

Ex 6

Ex 6

Ex 6

Ex 6
STATEMENT OF

TAKEN AT

FOI3 SUMMERALL DATED

10/6/04

8. STATEMENT (Continued)

Ex 6
AFFIDAVIT

Ex 6
I HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT, WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 1. 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, WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

Ex 6
ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

Ex 6
Subscribed and sworn to before me, a person authorized by law to administer oaths, this 4th day of April, 2006

at Bay City, Michigan

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

Ex 6
PAGE 2 OF 2 PAGES

SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1983 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION Day J, Iraq	2. DATE (YYYYMMDD) 2006 09 04	3. TIME 20:35	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]			7. GRADE/STATUS E4 350
8. ORGANIZATION OR ADDRESS HHC 1-187 INF (MTA's)			
9. [REDACTED] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH: <p>we were at [REDACTED] when a car came from the east toward us we blunked our lights gained with spot light & laser & rounded given I fired my first 3 to 5 round burst striking the hood the car still maintained same speed and direction toward our position I then placed 3 to 5 more in the left side of the windshield the car then swerved to the right and hit a telephone pole and then the wall and came to a complete stop Directly after we received small arms fire from the east I could not tell where the fire was coming from I reported it to the TC [REDACTED] The driver, called it up to the other trucks we regrouped skirted the area trying to regain contact and we didn't ever regain it.</p>			
10. EXHIBIT C	11. HEADLINE/REPORT NUMBER [REDACTED]		PAGE 1 OF _____ PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ 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.			

4 Apr 2016

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

WITNESSES:

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

AFFIDAVIT

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

Signature of Person Making Statement

Subscribed and sworn to before me, a person authorized by law to
administer oaths, this 4th day of April, 2006

2. Wing, Chao

Signature of Person Administering Oath

(typed name of Person Administering Oath)

145. IN

Authority To Administer Oath

PAGE 2 OF 2 PAGES



DEPARTMENT OF THE ARMY
HEADQUARTERS, 3rd BRIGADE COMBAT TEAM
101st AIRBORNE DIVISION (AIR ASSAULT)
FOB SPEICHER, IRAQ, APO AE 09349



REPLY TO
ATTENTION OF

AFZB-KC-CO

4 April 2006

MEMORANDUM FOR [REDACTED] HHC, 1st Battalion, 178th Infantry Regiment, 3rd Brigade Combat Team, 101st Airborne Division (Air Assault), FOB Speicher, APO AE 09349 *Ex 6*

SUBJECT: Appointment Order for Investigating Officer UP AR 15-6

1. Effective 4 April 2006, [REDACTED] is hereby appointed as the investigating officer. *Ex 6*

2. AUTHORITY. AR 15-6, Investigations.

3. PURPOSE. To perform an informal investigation IAW AR 15-6, obtaining details pertaining to the Escalation of Force (EoF) by HHC(MTRS)/1-187 IN on 042035APR06 vic Bayji Main Police Station, Bayji, Iraq. Your investigation should answer the following questions:

a. What were the facts and circumstances surrounding the incident?

b. Was the engagement IAW MNC-I EoF guidelines and procedures? Was the engagement IAW MNC-I and 3 BCT Rules of Engagement (ROE)?

c. What recommendations should be made to prevent similar EoFs in the future?

4. PERIOD. Until the investigation is completed and no further investigation is required, unless released sooner by the appointing authority.

5. SPECIAL INSTRUCTIONS. Conduct of this investigation will be your PRIMARY duty until the investigation is submitted to the appointing authority. Your findings will be supported by substantial evidence and by a greater weight of evidence than supports any different conclusion. Your findings and recommendations will be submitted to this headquarters NLT 081700APR06. Prior to submission, you will obtain a final legal review of your findings and recommendations from the 3 BCT CJA.

6. POC this action is 3 BCT CJA, at [REDACTED] *Ex 6*

COL, IN
Commanding