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DEPARTIKENT OF THE ARMY HEADQUARTERS, SUC'S REGINSTRAL COMBATTEAM GAMP LOVALTY, INAC 03380



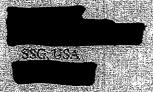
REPLY TO ATTENTION OF

AFZH-KG-SJA

MEMORANDUM FOR RECORD

SUBTRCT: Acknowledgement of Receipt

Louipany B. 3-57 AR BN, hereby acknowledge receipt of the Memorandum of Admonishment at 1451. hours on 3 Mey 200 (date)



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DEPARTMENT OF THE ARMY

HEADQUATERS, 1ST BATTALION, 187^{TI} INFANTRY REGIMENT 101^{SI} AIRBORNE DIVISION (AIR ASSAULT)

FOB SUMMERALL, APO AE 09349

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Ex. 6

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 was 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.

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Ex. 2

2. Facts. The mortar platoon patrol consisting of four vehicles was traveling East along 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 ESU members from Tikrit (see exhibit A).

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

a. Positive Identification is defined as accordance with typical I.N actions. That coupled with the recent

Ex 1

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

Ex. 1

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.

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.

second burst into the windshield of the ater confirmed that the two individuals M808- TF Leader (MTR/1-187) departs heinsiren "By this time the patrol had come to a halt. When the vehicle was Belleving the oncoming vehicle was a 2359- Mordon Pretono returns to FOB shining a visible green laser, flashing top, the patrol fired one burst from a esulling in units being on a high alert FOB Summerall enroute for the Bayji in the vehicle were both members of scene to assist the passenger of the Escalation of Force, While traveling vehide killing the driver. TF Leader their vehicle headights, and blaring aves in the Bayji area. On 2APR06, a VBIED went off in Bayj potential VBIED, the gunner fired a The patrol 240B into the bood of the vehicle storically, VBIEDs have come in 2108 - The Bayli IP arrives at the e car still falled to stop and was through an Escalation of Force by thin 50 meters and still falled to I within 50 meters of the patiol 2123* Mortar Platona chicanes 2035- Mortar Platoon reports an encountered a vehicle traveling flashing a high power spot light. towards them. The patrol went or a possible VBIED attack. Main Police Station. Summerall. Dission vehicle East of Escalation of Force 042035MAR06

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AFZB-KC-CO

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



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4 April 2006

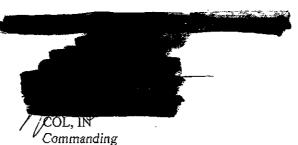
MEMORANDUM FOR Airborne Division (Air Assault), FOB Speicher, APO AE 09349

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

- 1. Effective 4 April 2006, is hereby appointed as the investigating officer.
- 2. AUTHORITY. AR 15-6, Investigations.

REPLY TO

- 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



EXL