Assumptions

- Soldiers estimated car was going at least 15-20mph
- Two soldiers decided to fire at least 5 warning shots
- Warning shots did not cause a visible reaction in the driver
- Driver made conscious decision to go around cars waiting for inspection
- Driver is from 14 Kilo (local area). He had to have known about the long established IA checkpoint and periodic inspections
- Soldier who fired determined quickly that warning shots were not effective and had to use deadly force because of the rapidly decreasing distance between car and friendly forces at the inspection area.
2nd Brigade Combat Team
Office of the Staff Judge Advocate

Confidential Documents for

ALL ITEMS ARE
EXEMPT FROM
5 USC 552(B)(6)
UNLESS OTHERWISE
NOTED

14347
MEMORANDUM FOR [REDACTED] D Co., 1-502D Infantry Regiment, 2d Brigade Combat Team, 101st Airborne Division (Air Assault), FOB Mahmudiyyah North, Iraq APO AE 09398

SUBJECT: Appointment as an Investigating Officer to Investigate EOF resulting in the death of a LN.

1. You are hereby appointed an investigating officer, pursuant to AR 15-6, to investigate incident involving the EOF resulting in the death of a LN in C Co., 1st Battalion, 502d Infantry Regiment on or about 20 January 2006. The scope of your investigation will include:
   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 soldiers' mission at the time of the incident.
   d. Additionally, if negligence is found, analyze what steps could be taken in the future to avoid it.

2. As an investigating officer, you will use formal procedures under AR 15-6. There are no designated respondents. Respondents may be designated based on your recommendations during the course of the investigation. Counsel for each respondent, if requested, will be designated by subsequent correspondence.

3. [REDACTED] 2 BCT Command Judge Advocate [REDACTED], will serve as your legal advisor. The 1-502D BN S1 will provide necessary administrative support. The 101st AA Criminal Investigation Division Command (CIDC) will provide technical support, including preserving physical evidence, if needed.

4. Prepare the report of proceedings on DA Form 1574 and submit it to me within 24 hours.

FOR COMMANDER:

[REDACTED]

Adjutant

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

14348
15-6 Investigation Exhibit List

#06-084 Escalation of Force

A. MFR VOIP conversation
B. Diagram of the incident
C. Overall view of the grid
D. Sworn Statement
E. Sworn Statement
F. Sworn Statement
G. Sworn Statement
H. Sworn Statement
I. Sworn Statement
J. Sworn Statement
K. Sworn Statement
L. Sworn Statement

ALL ITEMS ARE REDACTED UNDER 5 U.S.C. 552(B)(6) UNLESS OTHERWISE NOTED
Exhibit A
MEMORANDUM FOR RECORD

SUBJECT: VOIP conversation between [Redacted], C co Commander, and [Redacted] 212200JAN06

1. To follow up on the 15-6 investigation of a shooting at CP [Redacted] on 20 JAN 06, [Redacted] called [Redacted] to follow up on the following questions: Has the company or IA conducted searches at this TCP before? When? How often? How? Is this the same different from past events? Where is the EOF format [Redacted] used?

2. During the conversation, [Redacted] said that this was the first time that C co had helped out the IAs with CP [Redacted]. Usually, MITTs does the TCP checks, and they do them often. Up until the incident though, C co had not done a TCP check. [Redacted] also said that the IAs usually conduct searches at that location in the TCP but they do not search every car. The IA Battalion gives the IAs a list of specific cars to search on certain days (i.e. Opels on Mondays, Bongos on Tuesday, etc.). Concerning the EOF briefing, [Redacted] said that the briefing format that [Redacted] should have used is posted in their CP. It is from a frago published by the 1-502 INF under coordinating instruction, Annex 2 to Annex C para 4S. He said he was not sure if this was the exact format [Redacted] used to brief the element though.

3. Based on the Investigating Officer's previous conversation with [Redacted], the briefing he gave consisted of the EOF that states: Shout, Show (arms signals, weapons raised), warning shots, disabling shots, then lethal force from the smallest caliber weapon (i.e. M4).

4. POC for this memorandum is the undersigned @ [Redacted]

3rd PLT, D co/1-502 IN REGT
Exhibit B
Document was Removed under Exemption 5 USC 552(b)(1) or (2) because it is either Classified Secret or Top Secret and non-degradable to Unclassified
Document was Removed under Exemption 5 USC 552(b)(1) or (2) because it is either Classified Secret or Top Secret and non-degradable to Unclassified
PROMISE STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSM).

PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately

ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.

DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION
2. DATE (YYYYMMDD)
   2006-06-12
3. TIME
   1455
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE/STATUS
   E-4
8. ADDRESS OR ADDRESS
   C/O 1ST SSB, Attended C1-507, 2BC, 1014A
9. ________________ WANTED TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

   Today (20JUN06) I was part of a mission to do a joint operation TCP with the Iraqi Army at the checkpoint located at MSR ____________. About 1200 _______ gave us our patrol brief that we supporting the Jundis. We went over our RDE and escalation of force, shoot show, warning shot, vehicle disable, operator kill. We walked through South Lutifyingal and met the IA of the checkpoint and posted the soldiers to their respective areas. I worked with two IA and check vehicles coming from the west over the time from 1130 to 1300 there were 3 warning shots fired from the overwatch position on the building on the South side of the checkpoint. Each time the vehicles that wouldn't stop for the soldiers on the ground stopped for the warning shot. About 1310 or there about I stepped to look but heard two shots fired behind me. I stopped to look but was only able to glance because I was watching the driver of the vehicle I was currently searching. The shots continued and all of us turned to see. I saw a couple maybe 2 shots and completed my vehicle inspection and sent the guy

10. EXHIBIT
11. INITIALS OF PERSON MAKING STATEMENT

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT ______ TAKEN AT ______ DATED ______

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE INDICATED.
through the check point. I figured the situation was out of my hands and under control so I continued to search vehicles with the IA. A few minutes later told me to stop all traffic and turned them around. Sometime after 1400 I was ordered to bring it in and form up to leave. We thanked the IA and returned to the FOB by through walking through Latifiyah. We were briefed by the commander to fill out sworn statements.

---

**AFFIDAVIT**

I hereby testify under penalty of perjury that I have read or have had read to me this statement which begins on page 1 and ends on page 2 and 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)

WITNESSES:

________________________________________

________________________________________

________________________________________

ORGANIZATION OR ADDRESS

________________________________________

________________________________________

ORGANIZATION OR ADDRESS

________________________________________

________________________________________

INITIALS OF PERSON MAKING STATEMENT

________________________________________

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

PAGE 2 OF 2 PAGES

PAGE 3, DA FORM 2823, DEC 1998

USAPA V1.00
SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2851; E.O. 9397 dated November 22, 1943 (SSW).

PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately

ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.

DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION FOB Lutfiyah Chowhall
2. DATE YYYYMMDD
3. TIME HH:MM
4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME
6. SSN
7. GRADE STATUS

I WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

At 11:00 hrs we received our patrol brief, our escalation of force briefing, and our ROE brief. At this time we moved through the compound to the IRA side of the compound at which time we exited into South Lutfiyah. We then moved through the west side of town toward the checkpoint. At this time we had started doing a joint TCP with the IRA's. There was some miscommunication with a couple of vehicles about stopping but they received the hint quickly and stopped as soon as they were told. At about 13:05 myself and [redacted] were searching a vehicle coming off onto tempel at the checkpoint. At this time I heard warning shots that [redacted] was firing at the vehicle as I turned to observe the vehicle the vehicle did not stop. I raised my driver's side weapon and I observed 4 kids go through the windshield. The door opened and the man fell out of the vehicle. At this time I walked toward the car and observed that the man was obviously dead. I looked to the passenger side and saw an Iraqi Army soldier pull a child out of the car. The kid was in shock, but received no injuries. At this time we secured the area and allowed no more

10. EXHIBIT

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

DA FORM 2823, DEC 1998
9. STATEMENT (Continued)

Vehicles to pass through the checkpoint. Shortly after more IIA soldiers arrived with an ambulance. The kid was taken away by another Iraqi man and the brother of the dead guy showed up. They put the body into the ambulance and took him away. Shortly after 2:30 arrived with the company commander. The commander then took photos and began his investigation. Then we moved back through South Lutifiyah and returned to base.

nothing follows

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)

WITNESSES:

Subscribed and sworn to before me; a person authorized by law to administer oaths, this 21 day of January, 2001, at Lutifiyah, Iraq.

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

elry Officer

(Investigating Officer)

(Authority To Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES

PAGE 3, DA FORM 2823, DEC 1998

14361
Exhibit F
### 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. 9397 dated November 22, 1943 (SSWI).

**PRINCIPAL PURPOSE:** To provide commanders and law enforcement officials with means by which information may be accurately

**ROUTINE USES:** Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.

**DISCLOSURE:** Disclosure of your social security number is voluntary.

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5. LAST NAME, FIRST NAME, MIDDLE NAME

6. SSN

7. GRADE/STATUS

8. ORGANIZATION OR ADDRESS

Co 1-502 IN HQ

**9. I ____________, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:**

At 1000 hours, we walked out of the main building. We issued a mission brief and ROC Brief, we then moved out to the TCP at the intersection, at about 1015, we arrived at the TCP. First item I noticed was an elevated guard position on a roof top. I selected that position because he is a medic and I wanted him out of harms way, as much as possible. I selected because of his combat experience, his medic's role, and his decision making abilities. At that point, I had a 5X scope on his rifle. I then woke up the remainder of the team into 2, 3-man search teams will I TA sit in with them, at about 1045 hours, I notice the north-bound lane of traffic was starting to back up into Rade ___, I moved from the East-bound lane to the West-bound lane to allow the west-bound traffic to clear. I noticed the west-bound lane of traffic was starting to back up into Rade ____, and I moved from the East-bound lane to the West-bound lane to allow the west-bound traffic to clear. I notice a white vehicle moving, and saw 3 rapid shots into the window, windshield, of the vehicle, the vehicle came to a rolling stop.

### ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT TAKEN AT DATED"

DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE
STATEMENT OF ___________ TAKEN AT ____________ DATED ____________

9. STATEMENT (Continued)

as the Driver slumped out of the car, I then moved the BTG and told him to call it up. Myself, ___________ and another Soldier moved toward the vehicle. 2 IRA soldiers rushed past us, rolled over the Driver. I asked, "Is he dead," and the Soldier he grabbed a young male, about 16 or 17, and ran him to a Taxi Cab. I stopped the Cab, and had the male, look at him, and the child was unwell, but in shock. "Doc" then checked the Driver for a pulse and their weapons. I then called "Cobra Mike" and gave a situation report, and requested a Body Bag. The IED had called for a QRF arrive on the scene with an Ambulance. We ID'd the body and tried to keep the deserted on the scene until Cobra Six arrived, but the main body loaded him onto a stretcher and moved him. I then secured the scene and closed the information to all non-military traffic.

AFFIDAVIT

I, ___________, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE __________ 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 INITIATED 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)

WITNESSES:

ORIGIN OF PERSON MAKING STATEMENT

PAGE 3, DA FORM 2823, DEC 1996
WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

On 903 Jan 06 at 1100 our Patrol Left to TCP Patrol Brief Told Us we would be doing a joint TCP with IA Soldiers, Escalation of Force was Covered in Briefing. When we Arived at TCP Told me to go onto The Roof with The TCP and Fire warning Shots If Necessary, at Approx 1310 I saw Wepon Towards the East I Turned that direction and saw a white car driving into the dirt going around 2 cars that had already stopped on Approaching the TCP. At Approx 50 meters from where a vehicle was being searched I fired a warning shot. When the vehicle did not stop I fired a Dering shot still had not fired again, I fired 2 more times into the front of the white car.
STATEMENT OF ________________________________ TAKEN AT 1455 DATED 20 Jan 06

9. STATEMENT (Continued) I was prepared to fire into the car when I saw the gun already done. So, on firing into when fired into the windshield the vehicle stopped. The driver fell out of the car called me down from the roof to check the driver. When I approached the car I was told the driver was dead and to check the child that was in the car. As I walked by the driver he was on his back and staring. After checking that the child was OK I went back to the driver to verify that he was dead. After the company commander took pictures and asked questions to my self and we moved back to the FOB.

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)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 20 day of January 2006 at _______________________.

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

______________________________

INVESTIGATING OFFICER

elry

INITIALS OF PERSON MAKING STATEMENT

PAGE 3, DA FORM 2823, DEC 1998
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 2961; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION: Job Route 1-502 C.C. 2. DATE (YYYYMMDD): 20060720 3. TIME: 1500 4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME: [redacted] 6. SSN: [redacted]

7. GRADE/STATUS

8. ORGANIZATION OR ADDRESS

9. [redacted] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Today Jan 20, 2006, I went in a patrol to set up a TCP at [redacted] intersection. Before we left the job and left the job at 1100, we got a patrol briefing. We were supposed to do the intersection at 1120, about 2 a.m. A half hours after doing the vehicle checks, we got a situation with a vehicle coming from South [redacted] in a high speed. We gave a vehicle a few warning shots. After that we already gave him signals to stop and show our weapons at him. At 1305, we engaged the vehicle while committing a hostile intent against us.

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _______ TAKEN AT _______ DATED _______

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE INDICATED.
Exhibit I
**SWORN STATEMENT**

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

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WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

At 1100 we left on a patrol led by [redacted] after reviewing his patrol brief. The intent of the patrol was to link up with the local Iraqi Army at a checkpoint on route [redacted] right next MSR [redacted] and search vehicles while pulling security. I was instructed along with [redacted] to pull security from an elevated position on top of a building on the road. From the time that we began searching vehicles and stopping others at a safe distance until we were ready to call and wave them forward to be searched there had been 3 separate vehicles that decided to ignore what was going on. All three vehicles were signaled to stop and then received one warning shot in the dirt to their front. All three vehicles stopped on all three separate occasions.

Some time later a vehicle turned off [redacted] and decided to drive onto the side of the road passing the 2 vehicles waiting to be searched at a speed of around 25 mph. After he had cleared 2 car lengths and kept going at the same speed towards our people who were searching 2 vehicles I started to feel threatened and I began firing warning shots with time in between to see if he would slow down. He didn't slow down at all and when I fired 4 rounds into the driver hitting him with 3, he was less than 50 meters from our people when we shot the car.

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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _______ TAKEN AT _______ DATED _______."

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE BE BE INDICATED.

DA FORM 2823, DEC 1988

DA FORM 2823, JUL 72, IS OBSOLETE

14371
9. STATEMENT (Continued)

After the driver stopped and opened the door, collapsing on the ground, both Iraqi Army and our people secured the area and blocked off traffic. I remained on the roof pulling security. Upon closer inspection by the Iraqi Army there was a child passenger that was lying down out of my and view from the roof. We waited until showed up to investigate the incident. The vehicle was removed from the road and we walked back to the FOB.
Exhibit J
SWORN STATEMENT

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

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9357 dated November 22, 1943 (SSN).

PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately

ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.

DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION
   FCB LUTYFAYAH

2. DATE (YYYYMMDD)
   20060120

3. TIME
   1455

4. FILE NUMBER
   7

5. LAST NAME, FIRST NAME, MIDDLE NAME
   [Redacted]

6. SSN
   [Redacted]

7. GRADE/STATUS
   E4

8. ORGANIZATION OR ADDRESS
   [Redacted]

9. ___________ WANTS TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

   Today we were getting ready for a mission that we had. We gathered together about 000 hrs for the patrol brief. We were held by our leader [Redacted] that we were heading to the checkpoint to conduct TCPs with the IA soldiers. On the checkpoint we set up 2 groups to search the vehicle. We were placed on top of a nearby building to overwatch. We had been searching cars for about 2 hours. I was searching this one car, while about 3 other vehicles were stopped about 75 meters from my position. I looked up and there was a vehicle that was coming around the stop cars with no intention to stop. I ran up to the vehicle to stop when I heard some one fire there weapon. The vehicle was still coming toward us and was then fired upon by us and the vehicle came to a stop. I saw the windshield and the vehicle came to a stop and the driver opened the door and then fell out. I ran up to the car just as I reached the driver I noticed there was a kid in the passengers seat and IA.
14375

STATEMENT OF ___________________________ TAKEN AT ______________________ DATED ____________

9. STATEMENT (Continued)

grabbed the kid and took him to another car. The kid was not wounded. Mr. [redacted] called the shooting up from the [redacted] and an ambulance. A few came to the scene and took the driver away. A few minutes later one of our elements arrived with our CO, who ran took notes and some pictures and we retired to the [redacted].

NOTHING ELSE FOLLOWS

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)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this __1____ day of January, 2006, at [redacted].

(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 2 PAGES
Exhibit K
**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 2905; E.O. 9397 dated November 22, 1943 (SSN).
**PRINCIPAL PURPOSE:** To provide commanders and law enforcement officials with means by which information may be accurately
**ROUTINE USERS:** 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.

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| ORGANIZATION OR ADDRESS | |
|-------------------------| |
| C CO 1502               | |

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WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

ON 20 JUN 06 AT 1100 WE WERE GIVING PATROL BRIEF BY  He was brief us about what we will be doing. He said that we will be doing a joint TCP with the IAs at the checkpoint, he also explained the ROE on the escalation of force as his does before every file us of the ROE and escalation of force and telling us where and where to be. He said that we will be conducting vehicle searches we continued to do vehicle search, we had given a warning shot to three other vehicles and they stop. At 1105 traffic was backed up because of the vehicle searches we had them 100m away from the position we were at. Two minutes later a white 4 door sedan came speeding around the other vehicles, that vehicle continued to proceed, I heard 4 more shots fired through the windshield and my self I was moved to see if the person in the rear seat was ok. I called up Cobra Mic on 111 to inform them of our situation. Cobra Mic told me to let know to secure the area no traffic to go through the checkpoint. Cobra Mic told me that Cobra 6 was in route to your location. Cobra 6 arrived and took control of the situation.

---

**NOTHING Follows**

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF _______ PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT ______ TAKEN AT ______ DATED ______

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BE INDICATED.
**SWORN STATEMENT**

For use of this form, see AR 190-45; the reporting agency is ODCOPS

### PRIVACY ACT STATEMENT

**AUTHORITY:**
Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSW).

**PRINCIPAL PURPOSE:** To provide commanders and law enforcement officials with means by which information may be accurately

**ROUTINE USES:** Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.

**DISCLOSURE:** Disclosure of your social security number is voluntary.

<table>
<thead>
<tr>
<th>1. LOCATION</th>
<th>2. DATE (YYYY/MM/DD)</th>
<th>3. TIME</th>
<th>4. FILE NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>[REDACTED]</td>
<td>2006-01-20</td>
<td>03:05</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>5. LAST NAME, FIRST NAME, MIDDLE NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>[REDACTED]</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>6. SSN</th>
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<tbody>
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<td>[REDACTED]</td>
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<table>
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<tr>
<th>7. GRADE/STATUS</th>
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<tbody>
<tr>
<td>CPL/4-4</td>
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</table>

### ORGANIZATION OR ADDRESS

<table>
<thead>
<tr>
<th>8.</th>
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<tbody>
<tr>
<td>[REDACTED]</td>
</tr>
</tbody>
</table>

### WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

1100 we received a report for our TCP op. R/E escalation of force. At that point, we moved out to our objective through Lutifah, upon arriving most part compliant to our orders. Yet some would barrel down in our direction. Cars began to pile up on both ends. I heard a shot from the rear. I turned to look saw two more shots fired and hit intent of the vehicle. At which point I turned back to the vehicles parked at our end, then turned back around to see same vehicle going around other vehicles heading to the TCP. Vehicle was not stopping after the running shots; At which point I turned to my end of the TCP.

### ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT _______ TAKEN AT _____ DATED ______"

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**DA FORM 2823, DEC 1998**