



DEPARTMENT OF THE ARMY
LOGISTICS TASK FORCE 530
APO AE 09344

29

AFVH-XE-LTF-XO

20 July 2005

MEMORANDUM FOR Commander, LTF 530, APO AE 09344

SUBJECT: Appointment of AR 15-6 Investigating Officer

1. Findings and Recommendations, Informal AR 15-6 Investigation into all the facts and circumstances surrounding Escalation of Force Measures executed by the 612th QM Company at approximately 0530hrs on 8 July 2005 that resulted in the death of a Local National.
2. **Incident Background:** The 612th QM Company convoy commander, 2LT [REDACTED] and his Team were executing the standard FRG ([REDACTED], [REDACTED], GREEN ZONE) CLP (Combat Logistics Patrol). The CLP was delayed and forced to wait at [REDACTED] as the route to [REDACTED] was red due to an IED (Improvised Explosive Device). The IED on route [REDACTED] was found at [REDACTED], and required a controlled detonation. Following clearance to proceed, the CLP departed [REDACTED] at approximately 0500hrs. Given the fact that daylight was approaching, the [REDACTED] leg of the mission was cancelled. While traveling on Route [REDACTED] enroute from [REDACTED] to [REDACTED] from 0500-0530hrs on 8 July 2005, 612th QM Company (Gun Truck) encountered a series of vehicles that attempted to enter the convoy in close proximity to one another. The first incident occurred vicinity [REDACTED]. A white sedan blocked the convoy forcing the CLP to use Escalation of Force measures to in an attempt to keep the vehicle from both blocking and interdicting the CLP. The sedan ignored the EOH measures forcing the lead gun truck gunner, SPC [REDACTED], to fire a warning shot to the right of the vehicle, but the vehicle ignored the warning. SPC [REDACTED] then fired a second warning shot to the right of the sedan, and it pulled over to the shoulder coming to a halt (Exhibit F, G1, K).
Several minutes later, vicinity [REDACTED], the convoy approached three vehicles including a white sedan and two dark vans, driving in a line (one behind the other) blocking the route of march for the convoy by traveling to the center of the road. SPC [REDACTED] began EOF measures at approximately 150 meters. None of the three vehicles responded to EOF. The convoy was traveling approximately 45-50 MPH at this time while the three civilian vehicles were traveling approximately 40-45 MPH. When the vehicles were within 75 meters, SPC [REDACTED] fired a warning shot with his M16A2, the white sedan then pulled off to the right side of the road. The other two vehicles continued on causing a second warning shot to be fired by SPC [REDACTED]. The first dark van then pulled off to the right side of the road. The second dark van stayed on the road blocking the convoy. Now at 40 meters in front of the lead gun truck, SPC [REDACTED] fired 10 rounds with his M16A2 at the back of the van and walking the rounds forward. The van

then slowed slightly and moved to the right front quarter panel area of the lead gun truck as the convoy attempted to move around the vehicle. The vehicle got inside SPC [REDACTED] range fan due to the gun turret as it moved back to a parallel position with the lead gun truck for several seconds. As it did so, the dark van swerved towards the lead gun truck continuing to refuse to pull over to the right shoulder. The lead gun truck then bumped the dark van causing it to swerve off to the right side of the convoy and roll over on its' side (Exhibit F, G, G1, H, K).

Several minutes followed and again an incident occurred vicinity [REDACTED]. The CLP encountered a white hatch-back car that refused to yield to the convoy as it approached despite the use of EOH measures. The second gun truck gunner, SPC [REDACTED], fired one warning shot from his M16A2 to the right of the vehicle. The vehicle then pulled off to the right side of the road (Exhibits F, G1, I, J, K).

3. Purpose of Investigation: The objectives of my investigation are as follows (Exhibit D);

a. Was proper Escalation of Force followed and adherence to the Rules of Engagement as stated by Appendix 4 to Annex C to MNC-I Operations Order 05-02?

b. Was an appropriate use of force utilized given the situation?

c. Are convoy defense procedures utilized by the 612th QM inconsistent with standing rules and regulations?

d. Make recommendations for limiting future collateral damage and civilian injuries while affording the maximum protection to US Soldiers.

4. Findings: The findings of this investigation are broken down by the objectives designated by the Appointing Authority.

a. Was proper Escalation of Force followed and adherence to the Rules of Engagement as stated by Appendix 4 to Annex C to MNC-I Operations Order 05-02?
Validated. 612th QM Company (Gun Truck) is in compliance with current Escalation of Force measures and the Rules of Engagement as stated by Appendix 4 to Annex C to MNC-I Operations Order 05-02 (Exhibit F2). 2LT [REDACTED], and 612th go through extensive mission preparation and pre-combat checks prior to departure on any mission that the company provides Gun Truck support (Exhibit MMM). This extensive preparation includes the Task Force Mission Brief conducted by the Task Force S-3 and Task Force Support Operations Officer where missions are reviewed extensively and the latest intelligence is briefed by the Task Force S-2 (Exhibit F1, F3-F6). Concurrently, the soldiers of the 612th designated for mission prepare their vehicles and equipment to include Preventive Maintenance Checks (PMCS), Movement Tracking Systems (MTS), PLUGGERS, and both weapons and communications systems. The communications checks include confirming links to both Battalion and [REDACTED] (3 ID). Two hours prior to departure, 2LT [REDACTED] Team moves to link up with Joint Military Mail Terminal (JMMT) personnel for this particular mission; the FRG Mail Run.

Additionally, Palletized Load System Trucks (PLS) from the 15th PLS joined the convoy to conduct Log Pack operations. The convoy briefing is generally conducted one hour prior to mission; in this case, 2LT [REDACTED] did so at 2130hrs. His briefing covers role call, recent intelligence, weather data, the routes that the convoy will be taking, mission (including actions on the objective), Battle Drills, EOF in pre-jump fashion, ROE, and any pertinent administrative notes (Exhibit L, M, N). The CLP departed BIAP on time at 2230hrs.

During the conduct of the mission, the CLP was held up at FOB [REDACTED] due to IEDs causing route closures (Exhibit MMM). The convoy did not depart [REDACTED] for [REDACTED] until approximately 0500hrs, at which time it gets light and traffic picks up accordingly. During the course of the next thirty to thirty five minutes, the convoy experienced three different encounters requiring the use of EOF and finally, the use of small arms to address a threat to the convoy by vehicular traffic as stated above in the background paragraph (Exhibits F, G, G1, I, K).

During the separate incidents, in all cases, the soldiers of the 612th reacted as they were trained, following all Company SOPs and Battle Drills as well as EOH and ROE. After extensive interviews, all the soldiers and KBR Civilians directly involved in the incident from four different units or agencies including 612th QM Company (Exhibits FF-YY, MMM), JMMT (Exhibits ZZ-EEE), 15 PLS (Exhibits FFF-III) and HHD, LTF 530 (Exhibits JJJ-LLL, NNN) confirmed that 612th Soldiers reacted properly, professionally, and IAW existing guidance. Additionally, the personnel internal to the convoy universally concur that in the second incident where the Local National vehicle overturned, the convoy was under a direct threat (Exhibits as stated in previous sentence). The convoy maintained excellent communications throughout for C2 of the CLP which further enhanced decision making and control by the convoy commander (Exhibits JJJ-LLL, NNN).

During the second incident, the actions of the driver, SPC [REDACTED], were warranted in that minimal but necessary contact occurred between the lead gun truck and the local national vehicle as evidenced by the fact that the JMMT personnel in the convoy didn't believe contact occurred (Exhibits BBB-DDD). He faced a threat of a vehicle with aggressive intentions and acted to correct the situation. SPC [REDACTED], SPC [REDACTED] (lead gun truck gunner), and SGT [REDACTED] (lead gun truck TC) all identified the contact as minimal (Exhibits GG, KK, WW). SPC [REDACTED] utilized the decision making process in accordance with both EOH and ROE to address the threat and protect the CLP from potential VBIEDs on one of the most dangerous roads in the Baghdad (Exhibit WW). A COLT Team from 3-7 Infantry was on over watch of the area due to the frequency of IEDs on the route with the objective of preventing trigger men from detonating IEDs as CLPs pass by. (Exhibits BB-EE, OOO-RRR).

b. Was an appropriate use of force utilized given the situation? Validated.
612th QM Company (Gun Truck) did utilize an appropriate use of force response given the situation the CLP was in. The area that the CLPs of LTF 530 travel are some of the most dangerous routes in the Iraqi Theater Area of Operations based on data collected from multiple classified sources and trend analysis (Exhibit G2). In particular, route [REDACTED] is very dangerous (Exhibit F1, G2, N1). LTF 530 convoys travel the route nightly in support of US and Coalition Forces operating in the Greater Baghdad Area.

The soldiers and Civilians of the 612th, 15 PLS, HHD, and the JMMT are experienced with the route and operating on the roads of Baghdad in general. The CLP was traveling at daylight, one of the most dangerous times to be on the roads as traffic picks up dramatically with morning rush hour. The threat was identified almost to a man as reflected in paragraph a above. The use of Escalation of Forces measures subject to current Rules of Engagement was appropriate as the vehicles involved in the incident posed a direct threat to U.S. Soldiers, Civilians, and the Mission.

c. Are convoy defense procedures utilized by the 612th QM inconsistent with standing rules and regulations? Validated. Convoy defense procedures utilized by the 612th QM Company (Gun Truck) are not inconsistent with standing rules and regulations. After conducting multiple interviews with the different organizations within the CLP and researching TTPs, SOPs, and regulatory guidance that governs current operations in the Iraqi Theater of Operations, 612th QM Company is in compliance and consistent with standing rules and regulations (Exhibits F3, N). EOH and ROE used by the company follow the guidelines set forth in Appendix 4 to Annex C to MNC-I Operations Order 05-02 (Exhibit F2).

d. Make recommendations for limiting future collateral damage and civilian injuries while affording the maximum protection to US Soldiers. Recommendations are listed in paragraph 5 below.

5. Recommendations.

a. Limit the movement window for LTF CLPs moving within the city of Baghdad to the hours of 2300hrs through 0500hrs. This would further limit Task Force personnel, equipment, and supplies to exposure to civilian traffic due to the high volume of vehicles on the roads after 0500hrs and prior to 2300hrs. Missions such as FRG would not move before a 2300hrs SP and if it is determined they will not reach BIAP by 0500hrs, they will move to the nearest FOB. Once secure on the FOB, the CLP will not move until the following evening when the movement window opens up again. This recommendation has already been implemented by order of the Task Force Commander as of 9 July, 2005.

b. Continue Task Force Command Group presence on the unit's CLPs. LTF 530's Command Group participate in the unit's CLPs on a regular basis in order to ensure adherence to proper procedures, validate TTPs, check equipment, mentor junior leaders and generally lead soldiers. This procedure is currently in place, but warrants mention. The Task Force Command Group, as well as the Company Commanders and First Sergeants typically participate in approximately one convoy per week. This equates to Senior Leadership present on a nightly basis during CLP operations. This procedure is invaluable in ensuring soldier morale and confidence.

c. Ensure that the Task Force sustains an aggressive, comprehensive Convoy Commander Certification Program to prepare NCOs and Officers to be effective leaders of CLPs in a combat environment. This recommendation has been SOP for the

Task Force since we assumed mission. The first phase is extensive training with a seasoned Convoy Commander. The Convoy Commander candidate then goes through a mock convoy brief with his peers in phase two. An extensive AAR process follows to ensure the candidate is capable to execute the mission. The third stage is a check ride and certification by the Company Commander, followed by the final stage which is a check ride with the Task Force Commander.

d. Improve Route Status and Intelligence monitoring procedures. Currently, the Task Force S-2 receives intelligence and route update status from 3 ID. The Convoy Commanders receive route update status from [REDACTED] and the Task Force TOC prior to and during convoy operations. Recommend looking at increasing the fidelity of that information, in both directions, down to the BCT level. 2nd and 4th BCT should know the routes, destinations, and commodities that LTF 530 is pushing in their respective Areas of Operation. Conversely, LTF 530 should be appraised of current operations, rolling checkpoints, nightly TCPs, and over watch locations.

6. Point of contact is the undersigned at [REDACTED].

[REDACTED]
MAJ, QM
AR 15-6 Investigating Officer

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-6: the proponent agency is OTJAG.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

SECTION I - APPOINTMENT

Appointed by LTC [REDACTED], COMMANDER, LTF 530, 46TH CSG, [REDACTED] IRAQ, APO AE 09344
(Appointing authority)

on 10 JULY 2005 *(Date)* *(Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)*

SECTION II - SESSIONS

The *(investigation) (board)* commenced at [REDACTED] at 0900
(Place) (Time)

on 10 JULY 2005 *(Date)* *(If a formal board met for more than one session, check here . Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)*

The following persons *(members, respondents, counsel)* were absent: *(include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)*

The *(investigating officer) (board)* finished gathering/hearing evidence at 1745 on 18 JULY 2005
(Time) (Date)

and completed findings and recommendations at 1200 on 19 JULY 2005
(Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

		YES	NO ^{1/}	NA ^{2/}
1	Inclosures <i>(para 3-15, AR 15-6)</i>			
Are the following inclosed and numbered consecutively with Roman numerals: <i>(Attached in order listed)</i>				
	a. The letter of appointment or a summary of oral appointment data?			
	b. Copy of notice to respondent, if any? <i>(See item 9, below)</i>	X		
	c. Other correspondence with respondent or counsel, if any?			X
	d. All other written communications to or from the appointing authority?			X
	e. Privacy Act Statements <i>(Certificate, if statement provided orally?)</i>	X		
	f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered <i>(e.g., absence of material witnesses?)</i>		X	
	g. Information as to sessions of a formal board not included on page 1 of this report?	X		
	h. Any other significant papers <i>(other than evidence)</i> relating to administrative aspects of the investigation or board?			X

FOOTNOTES: ^{1/} Explain all negative answers on an attached sheet.
^{2/} Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

EXHIBIT A

		YES	NO ¹⁾	NA ²⁾
2	Exhibits (para 3-16, AR 15-6)			
	a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?	X		
	b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	X		
	c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	X		
	d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?			X
	e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?			X
	f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record?			X
	g. If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?			X
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?			X
B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)				
4	At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)?			
5	Was a quorum present at every session of the board (para 5-2b, AR 15-6)?			
6	Was each absence of any member properly excused (para 5-2a, AR 15-6)?			
7	Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?			
8	If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?			
C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)				
9	Notice to respondents (para 5-5, AR 15-6):			
	a. Is the method and date of delivery to the respondent indicated on each letter of notification?			
	b. Was the date of delivery at least five working days prior to the first session of the board?			
	c. Does each letter of notification indicate --			
	(1) the date, hour, and place of the first session of the board concerning that respondent?			
	(2) the matter to be investigated, including specific allegations against the respondent, if any?			
	(3) the respondent's rights with regard to counsel?			
	(4) the name and address of each witness expected to be called by the recorder?			
	(5) the respondent's rights to be present, present evidence, and call witnesses?			
	d. Was the respondent provided a copy of all unclassified documents in the case file?			
	e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?			
10	If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):			
	a. Was he properly notified (para 5-5, AR 15-6)?			
	b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6)?			
11	Counsel (para 5-6, AR 15-6):			
	a. Was each respondent represented by counsel?			
	Name and business address of counsel:			
	(If counsel is a lawyer, check here <input type="checkbox"/>)			
	b. Was respondent's counsel present at all open sessions of the board relating to that respondent?			
	c. If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the action taken on it included in the report (para 5-6b, AR 15-6)?			
12	If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):			
	a. Was the challenge properly denied and by the appropriate officer?			
	b. Did each member successfully challenged cease to participate in the proceedings?			
13	Was the respondent given an opportunity to (para 5-8a, AR 15-6):			
	a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?			
	b. Examine and object to the introduction of real and documentary evidence, including written statements?			
	c. Object to the testimony of witnesses and cross-examine witnesses other than his own?			
	d. Call witnesses and otherwise introduce evidence?			
	e. Testify as a witness?			
	f. Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?			
14	If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses (para 5-8b, AR 15-6)?			
15	Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (para 5-11, AR 15-6)?			

FOOTNOTES: 1) Explain all negative answers on an attached sheet.
2) Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

SECTION IV - FINDINGS (para 3-10, AR 15-6)

The (investigating officer) (board), having carefully considered the evidence, finds:

SEE ATTACHED MEMORANDUM

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

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

SEE ATTACHED MEMORANDUM

SECTION VI - AUTHENTICATION (para 3-17, AR 15-6)

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)

(Recorder)

(Investigating Officer) (President)

MAJ, 9M, I.O.

(Member)

(Member)

(Member)

(Member)

SECTION VII - MINORITY REPORT (para 3-13, AR 15-6)

To the extent indicated in Inclosure _____, the undersigned do(es) not concur in the findings and recommendations of the board. (In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.)

(Member)

(Member)

SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6)

The findings and recommendations of the (investigating officer) (board) are (approved) (disapproved) (approved with following exceptions/substitutions). (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)