



DEPARTMENT OF THE ARMY
HEADQUARTERS
172D STRYKER BRIGADE COMBAT TEAM
BAGHDAD, IRAQ APO AE 09344

REPLY TO
ATTENTION OF:

APVR-WLB-CO

4 October 2006

MEMORANDUM FOR MAJ [REDACTED] 4th Battalion, 23rd Infantry Regiment, 172d Stryker
Brigade Combat Team, Camp Striker, Baghdad, Iraq APO AE 09344

SUBJECT: Investigating Officer Appointment, Investigation Into EOF/shot(s) fired on
031328OCT06 by TAC/B/4-23 at location [REDACTED]

1. You are hereby appointed an investigating officer pursuant to AR 15-6 to investigate the circumstances surrounding the escalation of force/ shot(s) fired during a patrol. This investigation is your primary duty and takes precedence over all other duties assigned to you.
2. The report of investigation must include, but is not limited to, findings on the following issues:
 - a. What was the LN vehicle doing that could have reasonably been interpreted as hostile intent/act?
 - b. What measures, exactly, did the Soldiers use in their escalation of force (ex. hand and arm signals, shouting, whoopee light, horn etc...)?
 - c. Explain the placement of the warning shots. Were disabling shots fired? Did any rounds impact the vehicle or tire/s?
 - d. Did the LN pull his vehicle between strykers?
 - e. Did the Soldiers involved in the EOF receive ROE training? If so, when was the most recent training?
 - f. Was there a high threat of Extra Judicial Killing (EJK) teams in the area? Were warnings of EJK given? Who gave warnings of EJK? Did this vehicle fit the description of an EJK? How?
 - g. Was anyone hurt as a result of the EOF?
3. Additionally, provide a detailed sketch of the engagement area to include a falcon view image of the location of the EOF. Indicate where each EOF measure was taken to alert the driver in reference to the convoy. The intent is to visually capture the incident to the best of your ability.
4. Your investigation will be conducted IAW AR 15-6. During your investigation, you will interview and/or question numerous witnesses. You are directed to obtain sworn statements from all witnesses. In the event that you are unable to obtain a sworn statement from a witness, you will prepare a detailed memorandum for record (MFR) memorializing the witness interview and explaining why a sworn statement was not obtained. Witnesses that should be interviewed include:
 - a. All eyewitnesses and Soldiers involved in the patrol.

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b. Any others you feel necessary to complete your investigation.5. If, prior to or during any interview, you suspect an individual subject to the U.C.M.J. of committing a U.C.M.J. offense, you are required to advise that individual of his/her Article 31 rights, both orally and in writing, before any interview or questioning may commence and/or continue. **There are currently no suspected offenses or offenders;** however, your investigation may cause you to suspect an offense, at which time you should advise the suspect of his right.

6. Upon completion of your investigation, you will make findings of fact regarding the issues addressed in paragraph 2 above and recommend appropriate action based on your findings. Your findings and recommendation will be recorded on a DA Form 1574. The completed findings and recommendation will be accompanied by all evidence obtained during your investigation as well as a separate chronology listing all significant activity from initial appointment as Investigating Officer to completion of the investigation, to include the granting of any extensions or delays to complete the investigation.

7. Before you begin your investigation, you must be briefed by a Brigade Judge Advocate (CPT (b)(3), (b)(6)) at (b)(2)High or email (b)(3), (b)(6), (b)(2)High. Prior to commencing your investigation, obtain copies of DA 2823 (Sworn Statement), DA 1574 (Report of Investigation), and any other forms or documents you may need. Ensure that you review all of the documents prior to beginning the investigation. If questions arise during your investigation, including developing an investigation plan, determining whether witnesses need to be advised of their rights under the UCMJ, Article 31 or the Fifth Amendment, and preparing findings and recommendations, consult with your legal advisor.

8. Upon completion of your investigation, submit the entire investigation to the Brigade Operational Legal Team (BOLT) on Camp Liberty. Your investigation should be completed within 7 days of receipt of this memorandum. I must approve any delays. This investigation is your primary duty and takes precedence over all other assigned duties.

(b)(3), (b)(6)

COL, IN
Commanding