DEPARTMENT OF THE ARMY
Headquarters, 172 Stryker Brigade Combat Team
Mosul, Iraq APO AE 09319

REPLY TO
ATTENTION OF:

APVR-WLB-CO

22 July 2006

MEMORANDUM FOR CPT [redacted] (b)(3), (b)(6) 1st Battalion, 17th Infantry Regiment, Mosul, Iraq

SUBJECT: Investigating Officer Appointment, Investigation Into Escalation of Force incident on 22 July 2006 vic [redacted] (b)(2)High Involving Soldiers from 2nd Platoon, C Company, 1-17 Infantry Regiment.

1. You are hereby appointed an investigating officer pursuant to AR 15-6 to investigate the circumstances surrounding the escalation of force with a local national (LN) vehicle on 22 July 2006 at vicinity [redacted] (b)(2)High by Soldiers from 2nd Platoon, C Company. This investigation is your primary duty and takes precedence over all other duties assigned to you. The Serious Incident Report prepared by 1-17 IN in response to this incident has been attached to these orders for your situational awareness.

2. The report of investigation must include, but is not limited to, findings on the following issues:

a. Did the Soldiers on the ground understand the rules of engagement and act in accordance with them? Which Soldiers were involved in the engagement? Did they have ROE training? When, where, and by whom? What measures short of deadly force did they consider before engaging this civilian? What measures should be added or refined in order to clarify this type of situation and avoid future incidents?

b. At what range was the engagement?

c. What threat did the Soldiers perceive when he idendified the vehicle as a target?

d. Cover the specifics of this engagement and the decision-making process that went into it. Where were the rounds fired? Did the Soldiers intend to fire warning shots or to engage the LN vehicle? Was a lawful target positively identified? Was consideration given to potential ricochet?

e. Determine, to the greatest extent possible, the full name and contact information of the local national.

3. Your investigation will be conducted IAW AR 15-6. During your investigation, you will be required to 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. Soldiers from 1-17 IN who engaged the person/vehicle.

b. Any others you feel necessary to complete your investigation, including Soldiers and LNs who may have witnessed the engagement.

4. 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 rights.

5. 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.

6. Before you begin your investigation, you must be briefed by a Brigade Judge Advocate, located at FOB Marez. They can be reached by VOIP at (b)(2)High Prior to commencing your investigation, you must 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, you will consult with your legal advisor, 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.

7. Upon completion of your investigation, you will submit the entire investigation to the BOLT for a legal review. Your investigation should be completed within 3 days of receipt of this memorandum. I must approve any delays beyond 3 days. This investigation is your primary duty and takes precedence over all other assigned duties.

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

COL, IN
Commanding